SEC. 6308. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) IN GENERAL.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 30. (a) IN GENERAL.—The Secretary of the Interior may reimburse a person who is a lessee, operator, operating rights owner, or applicant for a lease under this Act for costs incurred by the person in preparing any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease, through royalty credits attributable to the lease, unit agreement, or project area for which the analysis, documentation, or related study is prepared.

''(b) CONDITIONS.—The Secretary shall may provide reimbursement under subsection (a) only if—

''(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

''(2) the person paid the costs voluntarily; and

''(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.''.

(b) APPLICATION.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) DEADLINE FOR REGULATIONS.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

TITLE IV—HYDROPOWER

SEC. 6401. STUDY AND REPORT ON INCREASING ELECTRIC POWER PRODUCTION CAPABILITY OF EXISTING FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of the potential for increasing electric power production capability at existing facilities under the administrative jurisdiction of the Secretary.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study under this section by not later than 12 months after the date of enactment of this Act. The Secretary shall include in the report the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities the Secretary is currently conducting or considering, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of action that has already been taken by the Secretary to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners.

(7) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by performing generator uprates and rewinds.

(8) The impact of increased hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(9) Any additional recommendations the Secretary considers advisable to increase hydroelectric power production from, and reduce costs and improve efficiency at, facilities under the jurisdiction of the Secretary.

SEC. 6402. INSTALLATION OF POWERFORMER AT FOLSOM POWER PLANT, CALIFORNIA.

(a) IN GENERAL.—The Secretary of the Interior may install a powerformer at the Bureau of Reclamation Folsom power plant in Folsom, California, to replace a generator and transformer that are due for replacement due to age.

(b) REIMBURSABLE COSTS.—Costs incurred by the United States for installation of a powerformer under this section shall be treated as reimbursable costs and shall bear interest at current long-term borrowing rates of the United States Treasury at the time of acquisition.

(c) LOCAL COST SHARING.—In addition to reimbursable costs under subsection (b), the Secretary shall seek contributions from power users toward the costs of the powerformer and its installation.

SEC. 6403. STUDY AND IMPLEMENTATION OF INCREASED OPERATIONAL EFFICIENCIES IN HYDROELECTRIC POWER PROJECTS.

(a) IN GENERAL.—The Secretary of Interior shall conduct a study of operational methods and water scheduling techniques at all hydroelectric power plants under the administrative jurisdiction of the Secretary that have an electric power production capacity greater than 50 megawatts, to—

(1) determine whether such power plants and associated river systems are operated so as to maximize energy and capacity capabilities; and

(2) identify measures that can be taken to improve operational flexibility at such plants to achieve such maximization.

(b) REPORT.—The Secretary shall submit a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act, including a summary of the determinations and identifications under paragraphs (1) and (2) of subsection (a).

(c) COOPERATION BY FEDERAL POWER MARKETING ADMINISTRATIONS.—The Secretary shall coordinate with the Administrator of each Federal power marketing administration in—

(1) determining how the value of electric power produced by each hydroelectric power facility that produces power marketed by the administration can be maximized; and

(2) implementing measures identified under subsection (a)(2).

(d) LIMITATION ON IMPLEMENTATION OF MEASURES.—Implementation under subsections (a)(2) and (b)(2) shall be limited to those measures that can be implemented within the constraints imposed on Department of the Interior facilities by other uses required by law.

SEC. 6404. SHIFT OF PROJECT LOADS TO OFF-PEAK PERIODS.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) review electric power consumption by Bureau of Reclamation facilities for water pumping purposes; and

(2) make such adjustments in such pumping as possible to minimize the amount of electric power consumed for such pumping during periods of peak electric power consumption, including by performing as much of such pumping as possible during off-peak hours at night.

(b) CONSENT OF AFFECTED IRRIGATION CUSTOMERS REQUIRED.—The Secretary may not under this section make any adjustment in pumping at a facility without the consent of each person that has contracted with the United States for delivery of water from the facility for use for irrigation and that would be affected by such adjustment.

(c) EXISTING OBLIGATIONS NOT AFFECTED.—This section shall not be construed to affect any existing obligation of the Secretary to provide electric power, water, or other benefits from Bureau of Reclamation facilities.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

SEC. 6501. SHORT TITLE.

This title may be cited as the ''Arctic Coastal Plain Domestic Energy Security Act of 2001''.

SEC. 6502. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as such in the map entitled ''Arctic National Wildlife Refuge'', dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 6503. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing

program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 6502(1).

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 6504. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 6505. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 6504 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 6506. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 6503(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 6507. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 6503, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment; and

(2) require the application of the best commercially available technology for oil and

gas exploration, development, and production on all new exploration, development, and production operations.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

SEC. 6508. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this division and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this division shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 6509. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 6503(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 6510. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 6511. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $10,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

SEC. 6512. REVENUE ALLOCATION.

(a) IN GENERAL.—Notwithstanding section 6504, the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other law—

(1) 50 percent of the adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title shall be paid to the State of Alaska; and

(2) the balance of such revenues shall be deposited into the Treasury as miscellaneous receipts.

(b) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods, prior to distribution of such revenues pursuant to this section.

(c) PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made quarterly.

TITLE VI—CONSERVATION OF ENERGY BY THE DEPARTMENT OF THE INTERIOR

SEC. 6601. ENERGY CONSERVATION BY THE DEPARTMENT OF THE INTERIOR.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) conduct a study to identify, evaluate, and recommend opportunities for conserving energy by reducing the amount of energy used by facilities of the Department of the Interior; and

(2) wherever feasible and appropriate, reduce the use of energy from traditional sources by encouraging use of alternative energy sources, including solar power and power from fuel cells, throughout such facilities and the public lands of the United States.

(b) REPORTS.—The Secretary shall submit to the Congress—

(1) by not later than 90 days after the date of the enactment of this Act, a report containing the findings, conclusions, and recommendations of the study under subsection (a)(1); and

(2) by not later than December 31 each year, an annual report describing progress made in—

(A) conserving energy through opportunities recommended in the report under paragraph (1); and

(B) encouraging use of alternative energy sources under subsection (a)(2).

TITLE VII—COAL

SEC. 6701. LIMITATION ON FEES WITH RESPECT TO COAL LEASE APPLICATIONS AND DOCUMENTS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating coal leases.

SEC. 6702. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

''(i) will ensure the maximum economic recovery of a coal deposit; or

''(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resources.''.

SEC. 6703. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

(a) IN GENERAL.—Section 7(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 207(b)) is amended to read as follows:

''(b)(1) Each lease shall be subjected to the condition of diligent development and continued operation of the mine or mines, except where operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee.

''(2)(A) The Secretary of the Interior, upon determining that the public interest will be served thereby, may suspend the condition of continued operation upon the payment of advance royalties.

''(B) Such advance royalties shall be computed based on the average price for coal sold in the spot market from the same region during the last month of each applicable continued operation year.

''(C) The aggregate number of years during the initial and any extended term of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20.

''(3) The amount of any production royalty paid for any year shall be reduced (but not below zero) by the amount of any advance royalties paid under such lease to the extent that such advance royalties have not been used to reduce production royalties for a prior year.

''(4) This subsection shall be applicable to any lease or logical mining unit in existence on the date of the enactment of this paragraph or issued or approved after such date.

''(5) Nothing in this subsection shall be construed to affect the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of 10 years.''.

(b) AUTHORITY TO WAIVE, SUSPEND, OR REDUCE ADVANCE ROYALTIES.—Section 39 of the Mineral Leasing Act (30 U.S.C. 209) is amended by striking the last sentence.

SEC. 6704. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended by striking ''and not later than three years after a lease is issued,''.

TITLE VIII—INSULAR AREAS ENERGY SECURITY

SEC. 6801. INSULAR AREAS ENERGY SECURITY.

Section 604 of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved December 24, 1980 (Public Law 96–597; 94 Stat. 3480–3481), is amended—

(1) in subsection (a)(4) by striking the period and inserting a semicolon;

(2) by adding at the end of subsection (a) the following new paragraphs:

''(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

''(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) reveals the need to

reassess the state of energy production, consumption, infrastructure, reliance on imported energy, and indigenous sources in regard to the insular areas.'';

(3) by amending subsection (e) to read as follows:

''(e)(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the chief executive officer of each insular area, shall update the plans required under subsection (c) by—

''(A) updating the contents required by subsection (c);

''(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2010 and maximizing, to the extent feasible, use of indigenous energy sources; and

''(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

''(2) Not later than May 31, 2003, the Secretary of the Interior shall submit to Congress the updated plans for each insular area required by this subsection.''; and

(4) by amending subsection (g)(4) to read as follows:

''(4) POWER LINE GRANTS FOR TERRITORIES.—

''(A) IN GENERAL.—The Secretary of the Interior is authorized to make grants to governments of territories of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such territories from damage caused by hurricanes and typhoons.

''(B) ELIGIBLE PROJECTS.—The Secretary may award grants under subparagraph (A) only to governments of territories of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

''(i) The project is designed to protect electric power transmission and distribution lines located in one or more of the territories of the United States from damage caused by hurricanes and typhoons.

''(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

''(iii) The project addresses one or more problems that have been repetitive or that pose a significant risk to public health and safety.

''(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

''(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

''(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

''(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

''(C) PRIORITY.—When making grants under this paragraph, the Secretary shall give priority to grants for projects which are likely to—

''(i) have the greatest impact on reducing future disaster losses; and

''(ii) best conform with plans that have been approved by the Federal Government or the government of the territory where the project is to be carried out for development or hazard mitigation for that territory.

''(D) MATCHING REQUIREMENT.—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

''(E) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each fiscal year beginning after the date of the enactment of this paragraph.''.

The CHAIRMAN pro tempore. No further amendment is in order except those printed in part B of the report. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 107–178.

AMENDMENT NO. 1 OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TAUZIN:

Page 10, after the table of contents, insert the following and make the necessary conforming changes in the table of contents:

SEC. 2. ENERGY POLICY.

It shall be the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative source, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 56 percent to 45 percent by January 1, 2012, and to reduce United States dependence on Iraqi energy sources from 700,000 barrels per day to 250,000 barrels per day by January 1, 2012.

Page 36, line 15, insert ''or encourage'' after ''discourage''.

Page 36, lines 16 and 17, strike ''; and'' and insert ''when compared to structures of the same physical description and occupancy in compatible geographic locations;''.

Page 36, lines 18 through 23, strike paragraph (2) and insert the following:

(2) the extent to which education could increase the conservation of low-income households who opt to receive supplemental income instead of Low-Income Home Energy Assistance funds;

(3) the benefit in energy efficiency and energy savings that can be achieved through the annual maintenance of heating and cooling appliances in the homes of those receiving Low-Income Home Energy Assistance funds; and

(4) the loss of energy conservation that results from structural inadequacies in a structure that is unhealthy, not energy efficient, and environmentally unsound and that receives Low-Income Home Energy Assistance funds for weatherization.

Page 81, after line 12, insert the following new section, and make the necessary change to the table of contents:

SEC. 309. STUDY TO DETERMINE FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY PRODUCTION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study to determine the feasibility of developing commercial nuclear energy production facilities at Department of Energy sites in existence on the date of enactment of this Act, including—

(1) options for how and where nuclear power plants can be developed on existing Department of Energy sites;

(2) estimates on cost savings to the Federal Government that may be realized by locating new nuclear power plants on Federal sites;

(3) the feasibility of incorporating new technology into nuclear power plants located on Federal sites;

(4) potential improvements in the licensing and safety oversight procedures of the effects of nuclear waste management policies and projects as a result of locating nuclear power plants located on Federal sites; and

(6) any other factors that the Secretary believes would be relevant in making the determination.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

In section 603 of title V of division A, on page 88, line 11, strike ''; and'' and insert a semicolon.

Page 88, line 17, strike the period and insert ''; and''.

Page 88, after line 17, insert the following new paragraph:

(8) the feasibility of providing incentives to promote cleaner burning fuel.

Page 92, after line 14, insert the following new sections, and make the necessary changes to the table of contents:

SEC. 603. STUDY OF ETHANOL FROM SOLID WASTE LOAN GUARANTEE PROGRAM.

The Secretary of Energy shall conduct a study of the feasibility of providing guarantees for loans by private banking and investment institutions for facilities for the processing and conversion of municipal solid waste and sewage sludge into fuel ethanol and other commercial byproducts, and not later than 90 days after the date of the enactment of this Act shall transmit to the Congress a report on the results of the study.

SEC. 604. STUDY OF RENEWABLE FUEL CONTENT.

(a) STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of the feasibility of developing a requirement that motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2002 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of a quantity of renewable fuel, measured in gasoline-equivalent gallons. As part of this study, the Administrator and Secretary shall evaluate the use of a banking and trading credit system and the feasibility and desirability of requiring an increasing

percentage of renewable fuel to be phased in over a 15-year period.

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Administrator and the Secretary shall transmit to the Congress a report on the results of the study conducted under this section.

Page 93, strike lines 3 through 12 and insert:

SEC. 802. HISTORIC PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following new subsection:

''(i) Notwithstanding the National Historic Preservation Act, a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

''(1) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b) of this section, or

''(2) the owner of the facility has given written consent to such eligibility.

Any transportation facility deemed eligible for inclusion on the National Register of Historic Places prior to the date of enactment of this subsection shall no longer be eligible unless the owner of the facility gives warrant consent to such eligibility.''.

Page 190, line 23, strike ''subsection'' and insert ''section''.

Page 220, lines 1 through 4, amend paragraph (1) to read as follows:

(1) $19,400,000 for fiscal year 2002, $14,800,000 for fiscal year 2003, and $8,900,000 for fiscal year 2004 for completion of construction of Project 98–G–304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory;

In section 6102(b)(1), strike ''42 U.S.C.'' and insert ''43 U.S.C.''.

Page 437, after line 6, (in section 5006 of Division E after subsection (c)) insert:

(d) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that meet the requirements of subsections (a), (b), and (c) and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock as of the date of enactment of this Act.

Page 437, line 7, (in section 5006 of Division E) strike ''(d)'' and insert ''(e)''.

Page 437, line 10, (in section 5006 of Division E) strike ''(e)'' and insert ''(f)''

Page 438, after line 17, (after section 5007 of Division E) insert the following new section and make the necessary change to the table of contents:

SEC. 5008. CLEAN COAL CENTERS OF EXCELLENCE.

As part of the program authorized in section 5003, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that can slow the greatest potential for advancing new clean coal technologies.

Page 3, in the table of contents for Division A, redesignate title VII relating to miscellaneous provisions as title VIII.

Page 93, line 13, (at the end of division A) strike ''VII'' relating to miscellaneous provisions and insert ''VIII''.

In Division A and in the table of contents for Division A, renumber sections 601 through 604 as 501 through 504 respectively, renumber sections 701 and 702 as 601 and 602 respectively, renumber sections 801 and 802 as 701 and 702 respectively, and renumber sections 901 through 903 as 801 through 803 respectively.

Page 433, line 13, strike ''(c)'' and insert ''(b)''.

Page 444, after line 22, insert the following new section:

SEC. 6106. EFFICIENT INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission shall jointly undertake a study of the location and extent of anticipated demand growth for natural gas consumption in the Western States, herein defined as the area covered by the Western System Coordinating Council.

(b) CONTENTS.—The study under subsection (a) shall include the following:

(1) A review of natural gas demand forecasts by Western State officials, such as the California Energy Commission and the California Public Utilities Commission, which indicate the forecasted levels of demand.

(2) A review of the locations of proposed new natural gas-fired electric generation facilities currently in the approval process in the Western States, and their forecasted impact on natural gas demand.

(3) A review of the locations of existing interstate natural gas transmission pipelines, and interstate natural gas pipelines currently in the planning stage or approval process, throughout the Western States.

(4) A review of the locations and capacity of intrastate natural gas pipelines in the Western States.

(5) Recommendations for the coordination of the development of the natural gas infrastructure indicated in paragraphs (1) through (4).

(c) REPORT.—The Secretary shall report the findings and recommendations resulting from the study required by this section to the Committee on Energy and Commerce of the House of Representatives and to the Committee of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act. The Chairman of the Federal Energy Regulatory Commission shall report on how the Commission will factor these results into its review of applications of interstate pipelines within the Western States to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

In section 6223, amend subsection (b) to read as follows:

(b) PREPARATION OF LEASING PLAN OR ANALYSIS.—In preparing a management plan or leasing analysis for oil or natural gas leasing on Federal lands administered by the Bureau of Land Management or the Forest Service, the Secretary concerned shall—

(1) identify and review the restrictions on surface use and operations imposed under the laws (including regulations) of the State in which the lands are located;

(2) consult with the appropriate State agency regarding the reasons for the State restrictions identified under paragraph (1);

(3) identify any differences between the State restrictions identified under paragraph (1) and any restrictions on surface use and operations that would apply under the lease; and

(4) prepare and provide upon request a written explanation of such differences.

At the end of section 6223 add the following:

(e) PRESERVATION OF FEDERAL AUTHORITY.—Nothing in this section or in any identification, review, or explanation prepared under this section shall be construed—

(1) to limit the authority of the Federal Government to impose lease stipulations, restrictions, requirements, or other terms that are different than those that apply under State law; or

(2) to affect the procedures that apply to judicial review of actions taken under this subsection.

In section 6225, in the quoted material—

(1) in paragraph (2)(A), insert ''and consultation with the Regional Forester having administrative jurisdiction over the National Forest System lands concerned'' after ''under paragraph (1)''; and

(2) add at the end the following:

''(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

''(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

''(B) an explanation why such a statement by the Regional Forester is not included.

In Section 6303(2), in the quoted material—

(1) in paragraph (2)(A), insert ''and consultation with any Regional Forester having administrative jurisdiction over the lands concerned'' after ''under paragraph (1)''; and

(2) add at the end the following:

''(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

''(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

''(B) an explanation why such a statement by the Regional Forester is not included.

In section 6234—

(1) insert ''(a) IN GENERAL.—'' before the first sentence;

(2) redesignate subsections (c) and (d) as subsections (b) and (c); and

(3) in the quoted material, strike the material preceding subsection (b) and insert the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 38. (a) IN GENERAL.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for an oil or gas lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level; analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

In section 6308(a), in the quoted material, strike the material preceding subsection (b) and insert the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 38. (a) IN GENERAL.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for a lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the

Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

Page 510, after line 8, insert the following new division, and make the necessary changes to the table of contents:

DIVISION G

SEC. 7101. BUY AMERICAN.

No funds authorized under this Act shall be available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from West Virginia (Mr. RAHALL) each will control 10 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

The manager's amendment before us does two basic things: first, it makes a number of technical changes in H.R. 4 that the committees of jurisdiction have agreed upon. Secondly, it incorporates a number of the amendments to H.R. 4 that were originally filed with the Committee on Rules and we thought were deserving of inclusion in the base bill going forward.

Most of these amendments are amendments that call for studies and for expanded research and for expanded scope of existing studies, many of them designed to examine the feasibility of new efficiencies and new energy savings that are critical to managing demand in our country.

With respect to this latter category, I want to commend in particular the gentleman from Arizona (Mr. SHADEGG) and the gentleman from Maryland (Mr. WYNN) of our committee, who worked in a bipartisan fashion to draft an amendment on historic pipelines. As you know, the National Historic Preservation Act was being interpreted to cover pipelines. This bill fixes that, but nevertheless incorporates those that wanted that designation and in fact have it.

The bottom line is this amendment is primarily technical with the study amendments added. I would hope that we could have an easy approval of this amendment. I understand we have some objection to it.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KIND), ranking member of the Subcommittee on Energy and Mineral Resources.

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, as ranking member of the Subcommittee on Energy and Mineral Resources of the Committee on Resources, I reluctantly rise in opposition to the base bill.

The American people know we have a long-term energy crisis and that we need to develop a comprehensive and balanced plan. A plan that finds 21st century slolutions to deal with our 21st century energy needs. They were hoping we could work in a bipartisan fashion to accomplish it, but unfortunately this bill does not get us there.

I am glad, however, that there were a couple of amendments made in order. We are going to have an honest debate on whether or not it makes sense to go into the Arctic National Wildlife Refuge to explore and drill for more oil. I am glad we are going to have an honest debate on increasing the fuel efficiency standards of our cars and our trucks in this country.

But there were other important amendments, Mr. Chairman, that were not made in order that also deserve serious discussion. I, along with the ranking member on the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), and the gentleman from Wisconsin (Mr. PETRI), tried introducing an amendment talking about the oil royalty giveback provision of this bill, a multibillion-dollar giveback provision that we are about to give the oil industry to do what they are already doing. I do not know how many of my colleagues saw the front-page story in the Wall Street Journal on Tuesday which is titled: ''Pumping Money, Major Oil Companies Struggle to Spend Huge Hoards of Cash.'' What the report indicates is that there is over $40 billion of cash reserves that the oil industry is sitting on right now trying to figure out a way of investing it and using it. That number is going to explode to multibillion dollars more accordingly to industry analysts. Yet we are on the verge with this energy plan of giving them back billions of dollars in oil royalty relief that even the Bush administration is not asking for.

I think we also need to address some of the short-term energy problems that we have. I tried offering an amendment with the gentleman from California (Mr. GEORGE MILLER) that would allow the Department of Interior to recover its costs associated with oil and gas leasing on the 95 percent of the public lands that are currently accessible and available for oil and gas drilling. If we want to deal with the backlog of leasing that is existing in the Department of Interior, let us allow them to recover the costs in order to expedite that process to deal with our short-term energy needs. But that amendment was not made in order.

Unfortunately this bill is not balanced. I urge a ''no'' vote.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to my colleague and dear friend, the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I am pleased to rise in support of this bill and in support of the manager's amendment, because it is not just about energy security which is crucial, it is not just about economic security which is crucial. It is also about national security.

That is exactly why I proposed an amendment that was included in the manager's amendment to mandate us to take all action necessary to decrease our reliance on foreign sources of oil. Specifically, it says that we are going to take every action necessary in the areas of conservation, efficiency, alternative source development, technology development, and domestic production to reduce U.S. dependence on foreign energy sources from 56 percent, where we are today and rising, to 45 percent by January 1, 2012, and to reduce U.S. dependence on Iraqi energy sources in particular from 700,000 barrels per day, where we are now, to 250,000 barrels per day by that same date, January 1, 2012.

We need to take a balanced approach that this bill demonstrates and involves if we are going to take the right step forward for national security as well as energy and economic security. Every day we wait, every day we do not act in all areas like conservation and alternative source and domestic production, Saddam Hussein sits back and laughs and collects more money and collects more leverage on our economy. We need to turn that tide around. This bill and this manager's amendment is a crucial and important first step in doing that.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY), a valued member of the Committee on Resources.

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Mr. MARKEY. Mr. Chairman, the Republican bill will spend $34 billion, and these are huge breaks, a royalty holiday, meaning the oil and gas companies will not have to pay for going on public lands. Other huge breaks.

Now, where are they going? They just had a huge tax break for the upper 1 percentile just 3 months ago. We have run out of the real surplus. Now people say well, you know what, we still have the Social Security, and we still have the Medicare surpluses.

So here is what they are doing. They are about to build their oil rigs, their gas rigs, on top of the Social Security trust fund, on top of the Medicare trust fund, and they are about to begin to drill so they can pump it dry. They are going to build a pipeline, a pipeline into the pockets of the senior citizens in our country. That is where the money has to come from.

Now, they did not allow the Democrats to make an amendment so that we could have the $34 billion come out of the tax break for the upper one-half of one percent percentile, who, after all, is also going to get this $34 billion. It is going to be a rig that goes directly into Social Security and Medicare, and

they are not allowing us to make an amendment to stop this, and that is wrong. That is what this whole debate is all about. It is about this mindless commitment to ensuring that Medicare and Social Security money is spent on things other than the senior citizens in this country, and blocking the Democrats from protecting these trust funds which have been promised to our seniors. Please.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do not know what kind of problems the gentleman that preceded me has with the Committee on Rules or the underlying bill, but the manager's amendment before us establishes, for example, studies on the feasibility of processing and converting municipal waste sewage to fuel, ethanol; to find ways to limit demand growth; to find a joint study on boutique fuels; to include using the excise tax program to help encourage new and alternative fuels in the marketplace. It is a good manager's amendment, whatever other problems you have with the bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I could not agree with the gentleman from Louisiana more. This is about increasing our energy supply and doing it domestically and doing it in an environmentally friendly way. If you want to depend on OPEC, then Social Security is going to be threatened.

Contained in the manager's amendment is a study by the Department of Energy on how to best promote turning municipal solid waste and sewer sludge into ethanol, or simply turning garbage into ethanol. Now, what do we do today? We bury our garbage, we spread it across the land, we spread our sewage across the land, we take it on barges and dump it in the ocean, we ship it 500 miles, resulting in air pollution, water pollution.

There is a better way, and that is to take our garbage, convert it into ethanol, and burn it as a clean burning fuel to replace MTBE fuels which pollute the water. The one thing that this bill has that is a revolutionary step that will prove 10, 20, 30 years from now to be one of the best things we did, is to start turning a problem into a solution, and that is garbage into ethanol, something we have too much of, to something we do not have enough of.

I commend the chairman for including this study. We will look back on this day and thank ourselves.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the distinguished ranking member of our Subcommittee on National Parks, Recreation, and Public Lands.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to the manager's amendment and H.R. 4, which really does not secure America's energy future. Instead, the bill threatens the future of Alaska's and one of the country's most pristine natural areas, cuts back on clean air standards, and opens up more of the public lands to mining and drilling, while relieving already rich oil companies of their responsibility for paying the American people for the right to drill on our lands.

Ninety-five percent of the Alaska wilderness is available for drilling. Let us save the 5 percent in the fragile refuge and use the vast lands already available to develop the oil and gas supplies and still create the jobs our workers need.

Let us reject this fig leaf amendment and H.R. 4.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the distinguished chairman for yielding me time, and I rise in support of the manager's amendment to the Securing America's Future Energy Act. I do so because I am very concerned, Mr. Chairman, with America's growing energy crisis.

Fuel economy and fuel efficiency are important, but we cannot afford to tinker with regulations for political purposes when they have no meaningful effect.

Some would like to see changes in the CAFE standards, and allege that such a change would actually help improve America's energy economy. I beg to differ, Mr. Chairman. The most likely response to higher CAFE standards is that safer cars will cost more and will be purchased less. Increasing those standards will undermine automobile safety, needlessly risking the lives of families and children who choose light trucks and other vehicles because they offer superior safety.

In addition, Mr. Chairman, in my own district in Indiana, we are part of a network of automotive manufacturers who help consumers get these safer cars. Arbitrarily increasing CAFE standards will put families at risk on the road and hardworking automotive families at risk at work, who could well lose their jobs if we damage this vital part of our automotive economy.

Say no to higher arbitrary CAFE standards, keep Americans safe on the road, Mr. Chairman, and keep auto workers safely employed.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the manager's amendment and hope I may allay some of the concerns of the gentleman from Louisiana about where our remarks are addressed. There are many reasons to oppose this amendment. I will limit my comments to those provisions of this amendment that falls within the jurisdiction of the Committee on Resources.

Under the pretence of improving several particularly egregious provisions of the bill as reported by the Committee on Resources, this manager's amendment does not, as the author suggests, perfect or correct these objectionable provisions.

In fact, the amendment actually maintains the majority's misguided intentions to open the entire Federal estate to oil and gas leasing and to transfer costs now borne by the oil and gas industry to the American taxpayers.

First, the amendment would add a misleading provision entitled ''preservation of Federal authority'' to lull the unsuspecting into believing that oil and gas leasing decisions will be consistent with Federal environmental laws. However, closer reading of the provision clearly states that Federal lease stipulations cannot be more stringent than State oil and gas laws. This means that if a wildlife or hunting regulation would require exploration and development to occur in certain months to protect wildlife breeding habitat, that the Federal Government could not impose that requirement on the oil and gas activity. The Sportsmen's Caucus should be very concerned about this provision.

Second, despite what its authors tell you, the manager's amendment maintains the flaw in H.R. 4 that takes Forest Service decision-making authority away from the Forest Service land manager and instead hauls it into Washington, D.C. It requires the Secretary of Agriculture not to force professionals in the field to decide where oil and gas leasing will occur in National Forest Service lands.

Third, the manager's amendment maintains a nice little kickback for big oil for its costs in preparing environmental impact statements. CBO says this particular provision will cost the American taxpayers $370 million, and, of that amount, the States, oil-producing States like Wyoming, Colorado, and Utah, will lose $185 million.

Why should American taxpayers foot the bill for NEPA documents for the oil and gas industry, which, according to The Wall Street Journal again, is enjoying huge profits and does not know where to spend their hordes of cash?

This amendment does precious little to improve a bad bill. It does not solve the environmental problems created by the Committee on Resources portion of the bill. I would urge my colleagues to vote against the manager's amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. LARGENT), a valued member of the Committee on Energy and Commerce. New.

Mr. LARGENT. Mr. Chairman, there is a Chinese proverb that says that the best time to plant a tree is 20 years ago, but the next best time to plant a tree is today.

The same can be said for a national energy policy. The best time to have had a national energy policy in place would have been 20 years ago, because we would not be in the position we are in today had we done that. But the next best time is today.

Great leaders have the uncanny ability to climb to the highest vantage point to see where we are and where we want to be, and I want to commend and applaud the efforts of the President and Vice President for climbing to that vantage point and seeing the necessity of having a national energy policy and beginning to implement it today.

Now, the key word in developing a national energy policy is the same key word in having a productive life, and that is balance. And this underlying bill and the manager's amendment, that I speak on behalf of at this time, strikes that balance.

A national energy policy should be balanced. We should strike a balance between our efforts on conservation, which this bill does. We should strike a balance on our fossil fuel resources, between oil and gas and coal, and we do that. We should have a balance in terms of the emphasis on research, or renewable resources as well, and this bill does that.

In the future, in the fall, we will be adding a complement bill to this that looks into how we can encourage and incentivize new additional nuclear power in this country, which is the right thing to do, and to continue to look at ways that we can clear up the electricity wholesale markets in this country, especially in terms of how we deliver electricity across State lines on the big bulk power grid. And that is going to be very important.

But this bill is a good bill, it is a balanced bill, it is a commonsense bill, it is a responsible bill, and I urge my colleagues to support this bill, because today is the next best time to have a national energy policy in place.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding me time and for his leadership.

Mr. Chairman, I rise against the manager's amendment because it does nothing to correct the rip-off of corporate welfare in the royalty-in-kind program. I also rise in opposition to the underlying bill, as it might as well have been written in 1901 instead of 2001. It spends billions of taxpayers' dollars on corporate welfare to help dirty, polluting oil energy sources, old energy sources, and it does little to encourage newer, cleaner fuels.

I am particularly disturbed that an amendment was not accepted of mine to delete the royalty-in-kind program and that this manager's amendment does not delete it. The oil companies call it a new way to pay. I call it a new way to rip off America's taxpayers.

Recently, because of work in this body and oversight, the oil companies were revealed that they were underpaying dramatically what was owed the Federal Government for oil extracted from federally owned lands. They settled over $5 billion to the Federal Government, admitting that they underpaid the Federal Government. Now that we have tied their payment to market price, they come up with a new idea, they are going to pay in oil.

What are we going to do with this oil? We are going to probably take it and send it back to the very same companies who just sold it to us and who have been historically cheating us and let them determine what the price is. I ask, why are we letting the government get into the oil business? Since when did this Congress consider creating new massive Federal bureaucracies that we have no idea what they cost?

There have been several GAO reports have pointed out that all of the royalty-in-kind programs have cost taxpayers money.

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So why are we going to proceed with corporate welfare? What will this body do next? Will we allow bakers to pay their fees with pies? It is an outrage. It is wrong. Vote no.

Contrary to the Department of Interior's claim that the Wyoming RIK pilot program was successful, an independent analysis determined that it actually LOST almost $3 million compared to what would have been paid by Big Oil if royalties had been paid based on market prices.

FACT SHEET ON ROYALTY-IN-KIND IN H.R. 4, THE ENERGY SECURITY ACT

New Oil Rule Collects $70 Million More Annually—Stops Cheating. In June 2000 the Department of Interior implemented a final rule that collects $70 million more annually from companies drilling oil from federal and Indian lands. As a result, the oil industry's decades-long practice of shortchanging the taxpayers ended. The rule came after years of public debate and litigation that forced the industry to settle with the Justice Department for $425 million.

Oil Industry Pushes Royalty-in-Kind (RIK). During the oil rule battle, the industry promoted RIK—where companies pay royalties in, for example, barrels of oil rather than dollars—as their alternative to paying fair market value under the proposed rule.

RIK Pilot Programs Have LOST Money. Interior has completed two royalty-in-kind pilot programs. Both failed, losing significant revenues compared to dollars received from programs collecting cash. According to Interior, the first pilot program to collect gas royalties-in-kind lost $4.7 million. Earlier this year, a second pilot program to collect oil royalties-in-kind lost $3 million, in spite of Interior's claim that it made $800,000. An independent economist discovered that Interior used old valuation standards in estimating the profit.

Expansion Of RIK Pilots Can Only Lead to Further Losses for the Taxpayer. The two pilot programs failed despite the fact that the Interior Department selected oil and gas leases most likely to succeed in generating comparable income. Expansion of royalty-in-kind programs to leases less likely to succeed will only lead to additional revenue losses for the American people.

GAO Says RIK Won't Work For Federal Royalties. In 1998, the General Accounting Office analyzed the prospect for a successful federal RIK program and concluded: ''According to information from studies and the programs themselves, royalty-in-kind programs seem to be feasible if certain conditions are present . . . However, these conditions do not exist for the federal government or for most federal leases . . .'' The report also notes that requiring RIK on all federal leases will cost the government $140 million to $367 million annually.

There is no evidence that royalty-in-kind will end litigation or disputes over how much oil and gas companies should be paying. Pending lawsuits filed by whistleblowers allege that companies manipulated the volume and heating content of gas taken from public lands in order to avoid paying royalties. The allegations call into question the wisdom of accepting any payments in- kind—until the allegations are fully investigated.

Mr. TAUZIN. Mr. Chairman, I yield the remaining time to the gentleman from Virginia (Mr. TOM DAVIS) for a colloquy.

Mr. TOM DAVIS of Virginia. Mr. Chairman, H.R. 4 contains provisions that would impose mandatory standards on the high-tech sector, a community that for 10 years has worked voluntarily with the Federal Government through the Energy Star program to achieve approximately 7,000 energy-efficient consumer products for more than 1,000 manufacturers. By imposing mandatory standards, we risk quelling innovation and, as a result, hindering growth.

I am concerned that inflexible, mandatory standards, as they exist now, could stunt the technology engines of our economy and compromise our competitiveness worldwide. For this reason, I would respectfully ask the chairman to work with me as we address some of these concerns as we prepare to go to conference on this measure.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I would be happy to work with the gentleman on those concerns, and hopefully, in the conference, we can alleviate those concerns.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would simply like to say that this falls in line with the remarks that I made during consideration of the rule. I believe it is very important that we address the potential unintended consequences on this as we head into conference, so that we ensure that our very important friends in the technical industries that are creating 45 percent of the GDP growth in this country are not affected in a deleterious way on this issue.

Mr. RAHALL. Mr. Chairman, I yield myself the remaining time.

I think it is appropriate that that side had the chair of their Republican Campaign Committee as their cleanup hitter on this particular legislation.

I guess the reason the majority decided to wait until August 1 to bring this bill up was so they could not be tagged with providing Christmas in July for the major oil companies. They brought the bill up on August 1 because it is a grab bag of goodies for the oil companies.

The manager's amendment does nothing to eliminate any of these ripoffs of the American taxpayer. The American taxpayers are still going to pick up the tab for many of the costs incurred by the major oil companies who are today reaping hoards of cash and do not know what to do with it.

Mr. BROWN of South Carolina. Mr. Chairman, this provision for a feasibility study of commercially owned and operated nuclear power plants is intended to be simple and straight-forward. We know that the nuclear plants operating today are quickly approaching the end of their serviceable years. If nuclear power is going to continue to provide a significant source of this nation's electricity, this study by DOE will help the Congress determine if there are any unique advantages to having commercial nuclear power plants on existing DOE sites. The fact is that nuclear power is our cleanest source of energy and provides about 20 percent of U.S. electricity generation. That compares to almost 76 percent in France, 56 percent in Belgium, and 30 percent in Germany. In my state of South Carolina, nuclear power provides 55 percent of our electricity. Demand for energy in the United States is rising and nuclear power can continue to help us meet this need. These DOE sites offer a potential solution to problems such as securing new land for the next generation of nuclear power plants, contentious licensing, absence of local community support, and investments in costly basic infrastructure.

The CHAIRMAN pro tempore (Mr. LINDER). All time has expired. The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 2 printed in part B of House report 107–178.

AMENDMENT NO. 2 OFFERED BY MRS. BONO

Mrs. BONO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. BONO:

After section 141, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 141A. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324A:

"SEC. 324B. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

''(a) PROGRAM.—There is established at the Environmental Protection Agency and the Department of Energy a government-industry partnership program to identify and promote the purchase of renewable and alternative energy products, to recognize companies that purchase renewable and alternative energy products for the environmental and energy security benefits of such purchases, and to educate consumers about the environmental and energy security benefits of renewable and alternative energy. Responsibilities under the program shall be divided between the Environmental Protection Agency and the Department of Energy consistent with the terms of agreements between the two agencies. The Administrator of the Environmental Protection Agency and the Secretary of Energy—

''(1) establish an Energy Sun label for renewable and alternative energy products and technologies that the Administrator or the Secretary (consistent with the terms of agreements between the two agencies regarding responsibility for specific product categories) determine to have substantial environmental and energy security benefits and commercial marketability.

''(2) establish an Energy Sun Company program to recognize private companies that draw a substantial portion of their energy from renewable and alternative sources that provide substantial environmental and energy security benefits, as determined by the Administrator or the Secretary.

''(3) promote Energy Sun compliant products and technologies as the preferred products and technologies in the marketplace for reducing pollution and achieving energy security; and

''(4) work to enhance public awareness and preserve the integrity of the Energy Sun label.

For the purposes of carrying out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2002 through 2006.

''(b) STUDY OF CERTAIN PRODUCTS, TECHNOLOGIES, AND BUILDINGS.—Within 18 months after the enactment of this section, the Administrator and the Secretary, consistent with the terms of agreements between the two agencies, shall conduct a study to determine whether the Energy Sun label should be authorized for products, technologies, and buildings in the following categories:

''(1) Passive solar, solar thermal, concentrating solar energy, solar water heating, and related solar products and building technologies.

''(2) Solar photovoltaics and other solar electric power generation technologies.

''(3) Wind.

''(4) Geothermal.

''(5) Biomass.

''(6) Distributed energy (including, but not limited to, microturbines, combined heat and power, fuel cells, and stirling heat engines).

''(7) Green power or other renewables and alternative based electric power products (including green tag credit programs) sold to retail consumers of electricity.

''(8) Homes.

''(9) School buildings.

''(10) Retail buildings.

''(11) Health care facilities.

''(12) Hotels and other commercial lodging facilities.

''(13) Restaurants and other food service facilities.

''(14) Rest area facilities along interstate highways.

''(15) Sports stadia, arenas, and concert facilities.

''(16) Any other product, technology or building category, the accelerated recognition of which the Administrator or the Secretary determines to be necessary or appropriate for the achievement of the purposes of this section.

Nothing in this subsection shall be construed to limit the discretion of the Administrator or the Secretary under subsection (a)(1) to include in the Energy Sun program additional products, technologies, and buildings not listed in this subsection. Participation by private-sector entities in programs or studies authorized by this section shall be (A) voluntary, and (B) by permission of the Administrator or Secretary, on terms and conditions the Administrator or the Secretary (consistent with agreements between the agencies) deems necessary or appropriate to carry out the purposes and requirements of this section.

''(c) DEFINITION.—For the purposes of this section, the term 'renewable and alternative energy' shall have the same meaning as the term 'unconventional and renewable energy resources' in Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259)''.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324A the following new item:

''Sec. 324B. Energy Sun renewable and alternative energy program.''.

The CHAIRMAN. Pursuant to House Resolution 216, the gentlewoman from California (Mrs. BONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, I yield myself such time as I may consume.

I would first like to commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL), along with the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) for their hard work in putting together the part of H.R. 4 provided by the Committee on Energy and Commerce. After years of neglecting to formulate a national energy policy, I am thankful that this administration and Congress have turned their attention towards this vital issue.

A critical part of the diverse energy mix is renewable and alternative energy. This bill provides for more use of renewable energy by the Federal Government, alternative fuel vehicles, and

a very aggressive program of research and development for renewables and alternative energy sources.

But we can do more. California's 44th congressional district has been a leader in the development of green power. Solar, wind, distributed energy, and other developing technologies help protect the environment and save money on consumer energy bills. This amendment would promote these promising technologies through a government-industry partnership project sponsored by the EPA and the DOE.

This initiative would be called the ''Energy Sun'' partnership program. It is modeled on the highly successful EPA–DOE program of a similar name, the Energy Star program, which focuses on promoting energy-efficient products. For the private sector, the Energy Sun program, like Energy Star, would be purely voluntary. It would promote renewable and alternative energy through consumer education and market forces, not mandates.

EPA and DOE would recognize only the best products, those that promise substantial environmental and energy security benefits. It would also recognize companies that use those products, creating a marketing incentive for companies to use environmentally friendly, renewable and alternative energy.

If adopted, I look forward to working on this program, not only with the Committee on Energy and Commerce, but also with the gentleman from New York (Mr. BOEHLERT) and the Committee on Science, who have also done a lot of work to promote the alternative forms of energy.

I believe this program would help promote our Nation's energy security, reduce pollution, and make a clean, diverse energy supply more affordable for all Americans. I ask my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, although I support the amendment, I claim the time in opposition, and I yield myself such time as I may consume.

I rise in support of the amendment offered by the gentlewoman from California (Mrs. BONO) to establish the Energy Sun program, a government-industry partnership to recognize promising renewable and alternative energy products and technologies.

Mr. Chairman, H.R. 4 already authorizes a very successful EPA and Department of Energy program called the Energy Star program. The point of Energy Star is to educate, not to mandate. It works because consumers want to save energy and they also want to save money on their energy bills. Energy Sun will do for renewable energy what Energy Star has done for efficiency.

Many consumers have heard of energy solar panels or wind power, or maybe even a green power program through an electric utility company. But the average consumer has no way of knowing which renewable source or alternative technology is really available, which one is practicable for their own needs. Like Energy Star, Energy Sun program will enhance our country's energy security by educating consumers, and then harnessing the power of the marketplace.

I would like to thank the gentlewoman from California (Mrs. BONO) for offering this amendment, and I encourage my colleagues to vote for it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Louisiana for yielding, and I asked that he do so only for the purpose of saying that we have no objection to this provision on our side. I want to commend the gentlewoman from California (Mrs. BONO) for a constructive amendment. I am pleased to support it, and I encourage others to do so.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California (Mrs. BONO).

The amendment amends division A, which is based on text reported by the Committee on Energy and Commerce. The amendment establishes a new program within EPA and the Department of Energy regarding certain renewable and alternative energy products and technologies, and I commend her for that approach.

Under the Rules of the House, the Committee on Science has jurisdiction over all energy research development and demonstration, commercial application of energy technology, and environmental research and development.

Am I correct that the committee does not intend for the placement of this amendment in division A of H.R. 4 and its revision of the Energy Policy and Conservation Act to diminish or otherwise affect the jurisdiction of the Committee on Science?

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman is correct. Both the Committee on Energy and Commerce and the Committee on Science have jurisdiction over energy-related programs of the Environmental Protection Agency and the Department of Energy.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for his clarification and cooperation. I look forward to working with him and his committee and my colleagues on the Committee on Energy and Commerce on this provision, as well as other provisions of mutual interest.

Mrs. BONO. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank the gentlewoman for yielding.

I rise to not only congratulate the distinguished chairman of the Committee on Energy and Commerce, but also to congratulate, from my perspective as a Californian, one of its three most important members, the gentlewoman from Palm Springs, California (Mrs. BONO). Focusing on the issue of renewable energy and conservation is a very important thing and pursuing this program, I believe, will go a long way towards doing just that.

So I compliment her and thank her very much for the leadership that she has shown on this very important issue.

Mrs. BONO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I too rise in support of the Bono amendment.

I want to speak, however, to the amendment that is coming up after this one, the Corporate Average Fuel Economy standard increase.

Last year in my home State of Wyoming, registration of light trucks outnumbered passenger cars by about 2 to 1. While this statistic may be surprising to some of my colleagues, it is in no way surprising to me. Despite the many advantages that we enjoy living in Wyoming, its cold, harsh, long winters, long-distance traveling and often rugged terrain create additional safety and utility needs to such everyday events as traveling to a nearby town for business or for transporting one's children to soccer practice.

SUVs, Suburbans and minivans have replaced the station wagon as the soccer mom's vehicle of choice, because these vehicles provide levels of safety, passenger room and utility that allow an active family to meet their needs.

Wyoming's agriculture community also depends on light truck utility vehicles to accomplish the necessary work associated with farming and ranching. It should not take a farmer or a rancher to tell us we cannot haul a bail of hay in a Geo Metro. While that vehicle also has its place in the market, and I do not deny that, agriculture families simply have different needs.

Thankfully, the auto industry constantly works to address these needs by building and marketing larger and safer and, yes, more fuel-efficient vehicles. After all, these vehicles are what consumers want to buy, and it only makes sense for the market to respond to that consumer demand.

Increasing CAFE standards today would put automobile manufacturers at odds with consumers by forcing the auto industry to produce smaller and

lighter vehicles. Such a requirement would not only translate into reduction of consumer choice, but would sacrifice the safety benefits that go along with larger vehicles.

The National Research Council's report on CAFE standards released only yesterday stated that without a thought for a restructuring of the program, additional traffic fatalities would be the trade-off that we must incur.

Mr. Chairman, I urge my colleagues to support the Bono amendment and vote against the Boehlert amendment.

Mrs. BONO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in support of the Bono amendment.

Mr. Chairman, I rise in support of the Bono Amendment to H.R. 4. Today we have an opportunity to advance the use of renewable and alternative energy products. The Energy Sun program has significant environmental and energy security benefits. I support extending the Energy Sun label to renewable and alternative energy products including solar, wind, biomass, and distributed energy. Specifically, I believe new technologies, like that of the stirling heat engine, will go far to reduce pollution and our dependence on dangerously strained electric power grids. Now is the time to recognize and encourage the use of products and technologies that will improve our homes, our communities, and our environment.

Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I thank the gentleman for yielding time.

I too want to commend the gentlewoman from California (Mrs. BONO) for her commitment to promoting renewables.

Mr. Chairman, America needs a balanced energy policy. We need more renewables. We know ethanol cannot replace petroleum, at least not yet, but we think we can increase the market share for biofuels in this country and therefore lessen America's dependence upon foreign oil.

So for that reason I want to thank the gentleman from Louisiana (Mr. TAUZIN) for including in his manager's amendment a provision commissioning a study of administering a program to establish a renewable fuel standard for motor vehicle fuel sold in the United States. The provision, as offered, was based on a bill that I have cosponsored, or I should say, I sponsored, the Renewable Fuels for Energy Security Act of 2001.

While I believe this Nation is ready for such a program, I am encouraged by the chairman's willingness to direct EPA and the Department of Energy to review this approach. That, I believe, is a step in the right direction.

I look forward to working with the chairman and my colleagues in the House in ways that we can decrease our dependence upon foreign sources of energy and make renewable fuels, such as ethanol, biodiesel and biomass a significant part of the energy mix in this country.

A 3 percent market share for ethanol and biodiesel will displace about 9 billion gallons of gasoline annually, or between 500,000 and 600,000 barrels of crude oil a day, which is the amount that the U.S. now imports from Iraq.

We need a balanced energy policy, Mr. Chairman. We need to support renewables. I commend the gentlewoman from California (Mrs. BONO) for her effort in that regard, and I thank the chairman for his efforts in trying to move this forward.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 30 seconds if the gentlewoman from California (Mrs. BONO) would yield 30 seconds to the gentleman from New York (Mr. FOSSELLA).

Mrs. BONO. Mr. Chairman, I also yield 30 seconds to the gentleman from New York (Mr. FOSSELLA).

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Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think it is easy to be against a lot of things, but the question is, what are we for as a Congress. We are for encouraging conservation. We are for encouraging energy efficiency. We are for the use of alternative sources of energy and renewables. That is what we are for.

The great thing about this country, our country, is when the American people are given the truth, they can make the determinations that best suit their needs, their families, and their businesses.

So what we are for are lower energy prices, lower electricity prices, lower gas prices, and at the same time, it strikes the balance by protecting our environment and providing safeguards so that the industries do not run wild. That is what the underlying bill does.

I commend the gentlewoman for complementing that and doing what is right and responsible for now and for America's future.

The CHAIRMAN pro tempore (Mr. LINDER). All time on both sides has expired.

The question is on the amendment offered by the gentlewoman from California (Mrs. BONO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Chairman, on that I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. BONO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Louisiana (Mr. TAUZIN); amendment No. 2 offered by the gentlewoman from California (Mrs. BONO).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY MR. TAUZIN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Louisiana (Mr. TAUZIN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 148, not voting 4, as follows:

[Roll No. 309]

AYES—281

Abercrombie	Crane	Hart
Aderholt	Crenshaw	Hastings (WA)
Akin	Cubin	Hayes
Allen	Culberson	Hayworth
Armey	Cummings	Hefley
Baca	Cunningham	Herger
Bachus	Davis (FL)	Hill
Baker	Davis, Jo Ann	Hilleary
Baldacci	Davis, Tom	Hilliard
Ballenger	Deal	Hinojosa
Barcia	DeLay	Hobson
Barr	DeMint	Hoekstra
Bartlett	Diaz-Balart	Holden
Barton	Dooley	Horn
Bass	Doolittle	Hostettler
Bentsen	Doyle	Houghton
Bereuter	Dreier	Hulshof
Berry	Duncan	Hunter
Biggert	Dunn	Hyde
Bilirakis	Edwards	Isakson
Bishop	Ehlers	Issa
Blunt	Ehrlich	Istook
Boehlert	Emerson	Jackson-Lee
Boehner	English	(TX)
Bonilla	Everett	Jefferson
Bono	Ferguson	Jenkins
Boucher	Flake	John
Boyd	Fletcher	Johnson (CT)
Brady (TX)	Foley	Johnson (IL)
Brown (SC)	Forbes	Johnson, E. B.
Bryant	Fossella	Johnson, Sam
Burr	Frelinghuysen	Jones (NC)
Burton	Gallegly	Keller
Buyer	Ganske	Kelly
Callahan	Gekas	Kennedy (MN)
Calvert	Gibbons	Kerns
Camp	Gilchrest	King (NY)
Cannon	Gillmor	Kingston
Cantor	Gilman	Kirk
Capito	Gonzalez	Knollenberg
Carson (OK)	Goode	Kolbe
Castle	Goodlatte	LaHood
Chabot	Gordon	Lampson
Chambliss	Goss	Largent
Clement	Graham	Larsen (WA)
Clyburn	Granger	Latham
Coble	Graves	LaTourette
Collins	Green (TX)	Leach
Combest	Green (WI)	Lewis (CA)
Condit	Greenwood	Lewis (KY)
Cooksey	Grucci	Linder
Costello	Gutknecht	Lipinski
Cox	Hall (TX)	LoBiondo
Cramer	Hansen	Lucas (KY)

Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—148

Ackerman
Andrews
Baird
Baldwin
Barrett
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Conyers
Coyne
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Strickland
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—4

Hall (OH)
Hutchinson
Spence
Stark

□ 1537

Ms. KILPATRICK, Messrs. OWENS, LANGEVIN, MORAN of Virginia, and Ms. MCCOLLUM changed their vote from ''aye'' to ''no.''

Mr. POMEROY changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LINDER). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment.

AMENDMENT NO. 2 OFFERED BY MRS. BONO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentlewoman from California (Mrs. BONO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 15, not voting 7, as follows:

[Roll No. 310]

AYES—411

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp

Waters	Weldon (FL)	Wolf
Watkins (OK)	Weldon (PA)	Woolsey
Watson (CA)	Weller	Wu
Watt (NC)	Wexler	Wynn
Watts (OK)	Whitfield	Young (AK)
Waxman	Wicker	Young (FL)
Weiner	Wilson	

NOES—15

Barr	Flake	Oberstar
Coble	Hostettler	Otter
Collins	Johnson, Sam	Paul
Costello	Jones (NC)	Pence
Filner	Kerns	Schaffer

NOT VOTING—7

Grucci	Largent	Stark
Hoyer	Oxley	
Hutchinson	Spence	

□ 1545

Mr. WAXMAN changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LINDER). It is now in order to consider Amendment No. 3 printed in part B of the House report 107–178.

AMENDMENT NO. 3 OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BOEHLERT:

Page 66, beginning at line 11, strike sections 201, 202, and 203 and insert the following:

SEC. 201. INCREASED AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) COMBINED STANDARD.—Section 32902(b) of title 49, United States Code, is amended to read as follows:

''(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—(1) Except as provided in this section, the average fuel economy standard for the combination of passenger automobiles and light trucks manufactured by a manufacturer—

''(A) in each of model years 2005 and 2006 shall be 26.0 miles per gallon; and

''(B) in a model year after model year 2006 shall be 27.5 miles per gallon.

''(2) Except as provided in this section, and notwithstanding paragraph (1), the average fuel economy standard for passenger automobiles manufactured by a manufacturer in model years 2005 and 2006 shall be 27.5 miles per gallon.''.

(b) AMENDING STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—Section 32902(c) of title 49, United States Code, is amended—

(1) by amending so much as precedes the second sentence of paragraph (1) to read as follows:

''(c) AMENDING STANDARD FOR COMBINATION OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—The Secretary of Transportation shall prescribe regulations amending any of the standards under subsection (b) of this section for a model year to any higher level that the Secretary decides is the maximum feasible average fuel economy level for that model year.''; and

(2) by striking paragraph (2).

(c) DEFINITION OF LIGHT TRUCK.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

''(17) 'light truck' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, that is manufactured primarily for use on public streets, roads, and highways (except a vehicle operated only on a rail line), and that the Secretary decides by regulation—

''(A) is rated—

''(i) at less than 8,500 pounds gross vehicle weight, in the case of an automobile manufactured in model year 2005 or 2006; or

''(ii) at less than 10,000 pounds gross vehicle weight, in the case of an automobile manufactured in a model year after model year 2006;

''(B) is manufactured primarily for transporting not more than 10 individuals; and

''(C) is not a passenger automobile.''.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by this subsection by not later than 6 months after the date of the enactment of this Act; and

(B) shall issue final regulations implementing such amendment by not later than one year after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—

(1) Section 32901(a)(3) of title 49, United States Code, is amended by striking ''and rated at—'' and inserting ''and is a light truck or is rated at—''.

(2) Section 32902(a) of title 49, United States Code, is amended—

(A) by striking ''NON-PASSENGER AUTOMOBILES.—'' and inserting ''STANDARDS FOR CERTAIN AUTOMOBILES.—''; and

(B) by striking ''(except passenger automobiles)'' and inserting ''(except passenger automobiles and light trucks)''.

(3) Section 32908(a)(1) of title 49, United States Code, is amended by striking ''8,500'' and inserting ''10,000''.

(d) APPLICATION.—The amendments made by this section shall apply beginning on January 1, 2005.

(e) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles and light trucks manufactured before model year 2005.

SEC. 202. AMENDMENTS TO MANUFACTURING INCENTIVES FOR ALTERNATIVE FUEL AUTOMOBILES.

Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b) by striking ''2004'' and inserting ''2008'';

(2) in subsection (b)(1) by striking ''.5 divided'' and inserting ''the number determined by (A) subtracting from 1.0 the alternative fuel use factor for the model, and (B) dividing the difference calculated under clause (A) by'';

(3) in subsection (b)(2) by striking ''.5 divided'' and inserting ''the number determined by dividing the alternative fuel use factor for the model by'';

(4) in subsection (d) by striking ''2004'' and inserting ''2008'';

(5) in subsection (d)(1) by striking ''.5 divided'' and inserting ''the number determined by (A) subtracting from 1.0 the alternative fuel use factor for the model, and (B) dividing the difference calculated under clause (A) by'';

(6) in subsection (d)(2) by striking ''.5 divided'' and inserting ''the number determined by dividing the alternative fuel use factor for the model by''; and

(7) by adding at the end the following:

''(h) DETERMINATION OF ALTERNATIVE FUEL USE FACTOR.—(1) For purposes of subsections (b) and (d) of this section, the term 'alternative fuel use factor' means, for a model of automobile, such factor determined by the Administrator under this subsection.

''(2) At the beginning of each year, the Secretary of Energy shall estimate the amount of fuel and the amount of alternative fuel used to operate all models of dual fuel automobiles during the most recent 12-month period.

''(3) The Administrator shall determine, by regulation, the alternative fuel use factor for each model of dual fueled automobile as the fraction that represents, on an energy equivalent basis, the ratio that the amount of alternative fuel determined under paragraph (1) bears to the amount of fuel determined under paragraph (1).''.

(c) APPLICATION.—The amendments made by this section shall apply beginning on January 1, 2005.

(d) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32901 of title 49, United States Code, to automobiles manufactured before model year 2005.

SEC. 203. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code, as amended by this Act) are safe.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 20 minutes.

Mr. TAUZIN. Mr. Chairman, I claim the time in opposition and yield 9 of those minutes to the gentleman from Michigan (Mr. DINGELL) for the purposes of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I think virtually every Member of this body agrees that we need to raise the fuel economy of passenger vehicles. That is a no-brainer. Raising fuel economy saves money, makes us less dependent on foreign oil sources and helps protect the environment without cramping our life-style one bit. That is why even this bill, which is so tepid about conservation, includes a small increase in fuel economy standards. There is just no persuasive argument against raising the standards. It is the simplest, most basic step available to us.

The question, though, is whether we are going to just appear to take this step or whether we are going to do it for real. The language in this bill is about keeping up appearances. The Boehlert-Markey amendment is about actually saving oil. In fact, there is a chart before me which makes clear, our amendment would save more oil than would be produced from drilling in ANWR under even the most optimistic scenarios. Those figures come from the nonpartisan Congressional Research Service.

The proponents of H.R. 4 will say they are not just keeping up appearances. They plan to save 5 billion gallons of oil over 5 years. That is a big number, but it is not a lot in a Nation that oil burns more than 350 million gallons of oil as gasoline on our highways each and every day. That is why we usually measure oil in barrels because gallons are too small a unit to bother contemplating.

But the proponents will say, but 5 billion is a lot. It is like parking next year's production of SUVs for 2 years. But, guess what, during the second year, and the year after, and the year after that, ad infinitum, a whole new fleet of gas-guzzling SUVs will hit the highways and will not be metaphorically parked.

The Nation is importing more than half its oil, but the proponents of H.R. 4 have done nothing more on CAFE than put a finger in the dike. The CAFE provision in the bill will have no long-range impact on the Nation's demand for oil. The CAFE language in the bill is a distraction, not a solution.

Now, that might be okay if we did not have the technological wherewithal to build safe, affordable American cars and SUVs that meet a higher standard. But we do have that capability. In fact, we could reach CAFE standards far higher than the ones that we are proposing in this amendment, but we are taking a truly moderate approach.

The Boehlert-Markey amendment would, after 5 years, include cars and SUVs and light trucks in a single fleet that would have to meet a 27.5 mile per gallon average, the level cars must meet today. That gives the automobile manufacturers the flexibility, they get the flexibility to decide if they want to make cars more fuel efficient or SUVs more fuel efficient, or some combination of both.

Our amendment creates new incentives for the ethanol industry because we would provide credits to cars that actually run on ethanol, not to cars that could use ethanol but do not. So we give automakers incentives to make sure that ethanol does become a commonly available fuel.

In short, the standard we propose is flexible, fair, moderate and feasible. Members can tell that because our opponents have hit new rhetorical heights in arguing against the amendment; but luckily, we have the latest science on our side. I refer Members to the report of the National Academy of Sciences that was released Monday. Here is what the Academy panel concluded:

First, the National Academy of Sciences says having separate standards for cars and SUVs makes no sense. My colleagues can refer to pages ES–4 and 5–10 for confirmation.

Second, the National Academy of Sciences says that raising fuel economy standards will be a net saver for consumers, and we want to help consumers save. Look at pages 4–7 to check that out.

Third, the National Academy of Sciences says raising fuel economy standards will not hurt American workers, and they base this on the real experience of past decades. That is on pages 2–16.

Fourth, the National Academy of Sciences says that raising fuel economy is perfectly feasible even with currently available technology, technology that is on the shelf, ready to be put into use, and even for higher standards than we are proposing. That is on page ES–5. And the front page of Automobile News that is on easel behind me illustrates the technology that auto companies already have to meet this new standard.

Fifth, and most important of all, the Academy says fuel economy can be achieved ''without degradation of safety,'' again, without degradation of safety, so let us put that bogeyman to rest. That is on page 4–26.

The opponents may say the automobile companies disagree. No surprise there. It is easier to keep making gas-guzzling cars, just like it was easier to keep making cars without seat belts and cars without air bags and cars without pollution control equipment, all advances that the auto industry now touts, even though it vehemently opposed each as they were initiated.

This case is no different. Just look at the credibility of the auto industry. Here is what a top Ford executive said about safety standards in 1971. ''The shoulder harnesses, the headrests are a complete waste of money, and you can see that safety has really killed off our business.'' That is what the auto people said.

Here is what GM said about pollution control in 1972. ''It is conceivable that complete stoppage of the entire production could occur with the obvious tremendous loss to the company,'' if we required pollution control equipment. Give me a break.

I could go on and on with examples like this.

Mr. Chairman, we should be used to these scare tactics by now and wise to them. Let us not believe the folks that said seat belts would destroy the auto industry when they say they fear for our safety if we raise CAFE standards.

I am going to listen to the National Academy of Sciences. We have the evidence we need to raise CAFE standards, we just need the will, the will to give the public what it wants. The public wants better fuel economy if for no other reason than to save money. And what the National Academy of Sciences report demonstrates is that we can give them that fuel economy without depriving them, including me, of our SUVs, without compromising safety, without threatening jobs.

Mr. Chairman, I urge support of the Boehlert-Markey-Shays-Waxman amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, for a year now I have been fighting tires that kill. I am on the floor today fighting an amendment that will kill. If the Boehlert amendment passes, the National Academy of Sciences says that this kind of an increase in CAFE too soon, too fast over a 4-year period, 46 percent increase, will force automakers to downsize and downweight automobiles, trucks, light trucks in particular, SUVs and minivans. They tell us, ''Additional traffic fatalities would be expected.'' That is the National Academy of Sciences.

Now, the bill contains reasonable increases in fuel savings, 5 billion gallons in this category of vehicles over the next 6 years. This is the language of the National Academy of Sciences warning us if my colleagues go further than the bill goes, my colleagues can expect fatalities.

Mr. Chairman, I want to show Members the list of SUVs and vans regulated by the bill without this amendment. This is the list of all of the SUVs and vans that this amendment would literally replace in the law, sections that provide a 5-billion gallon savings in this list of vehicles.

These vehicles alone consume 2.4 billion gallons a year. Our bill provides a savings of twice that, 5 billion.

Keep to the bill. Do not kill Americans with this amendment.

□ 1600

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the total time in support of the Boehlert-Markey amendment be equally divided between the gentleman from Massachusetts (Mr. MARKEY) and the principal author.

The CHAIRMAN pro tempore (Mr. LINDER). Without objection, the gentleman from Massachusetts can control 10 minutes.

There was no objection.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding time to me.

Mr. Chairman, I strongly support this CAFE amendment. It is urgently needed to restore some balance to this legislation. This is the most important conservation measure that we will have before us in the whole energy bill if this amendment is adopted. If this amendment is not adopted, I want Members to realize that the CAFE provisions in the bill itself are a mirage. The legislation claims to save 5 billion gallons of gasoline by 2010. This sounds like a lot of gasoline, but we are talking about a reduction of 5 billion gallons out of a pool of over 2.5 trillion gallons. So even if the provisions worked as advertised, the 5 billion-gallon reduction translates into only a cut of two-tenths of 1 percent. But, in fact,

this bill will not even achieve these minuscule savings. The fine print of the bill contains CAFE loopholes that will allow fuel consumption to increase by 9 billion gallons.

Mr. Chairman, I include for the RECORD an analysis of the H.R. 4 provisions which will explain why we will even go backwards if H.R. 4 is adopted as it is written. It will allow under the Bush administration's analysis an increase of 9 million gallons. The loopholes make the CAFE provisions in this bill a step backward.

Just this week, the National Academy of Sciences released a new study on CAFE that shows we can do much more. The Boehlert-Markey-Shays-Waxman amendment will make reasonable, commonsense improvements in the fuel efficiency standards of our light trucks. And it will close the loopholes in the current law and in the bill before us.

I urge support of the amendment.

ANALYSIS OF THE H.R. 4 PROVISIONS WHICH AMEND THE CORPORATE AVERAGE FUEL ECONOMY (CAFE) LAW

On Wednesday, August 1, 2001, the House of Representatives is considering H.R. 4, the ''Securing America's Future Energy Act of 2001.'' This legislation contains an amendment offered by Rep. Richard Burr (R–NC) at Subcommittee which amends the federal law governing automobile fuel economy. This amendment was heralded by some as a significant increase in fuel economy standards applicable to sport utility vehicles (SUVs) and other light trucks. Upon analysis, this amendment appears to be seriously flawed.

I. BACKGROUND

Under current law, the Secretary of Transportation is directed to prescribe by regulation average fuel economy standards for light trucks 18 months prior to the beginning of each model year. Sec. 32902(a). The standard is set at the ''maximum feasible average fuel economy level'' that the Secretary decides the manufacturers can achieve in that model year. Id. In setting a standard, the Secretary is required to consider technological feasibility, economic practicability, the effect of other governmental motor vehicle standards on fuel economy, and the need of the United States to conserve energy. Sec. 32902(f). Under this approach, the maximum feasible average fuel economy standard is determined on an ongoing basis with new technology being recognized and considered in the development of standards each and every year.

The current CAFE standard for light trucks is 20.7 miles per gallon. Since 1995, the Secretary of Transportation has not been permitted to revise this standard due to a congressional prohibition on such action passed each year in the appropriations process.

II. THE IMPROVED FUEL ECONOMY PURPORTED TO BE ACHIEVED BY H.R. 4 IS INSIGNIFICANT

H.R. 4 purports to reduce the projected gasoline consumption of light trucks manufactured between 2004 and 2010 by 5 billion gallons in the years 2004 through 2010. As discussed below, the achievement of any improvement in fuel economy is in doubt under this language. However, assuming that a 5 billion gallon reduction in projected gasoline consumption is achieved, this reduction is insignificant.

Under this legislation, light trucks manufactured between 2004 and 2010 must reduce consumption by 5 billion gallons over the years 2004 through 2010. During the period from 2004–2020, total consumption of petroleum is projected to be 2.27 trillion gallons of petroleum. Although 5 billion gallons sounds like a lot of gasoline, it amounts to a mere 0.22% reduction in projected petroleum use. The Union of Concerned Scientists has estimated that the fuel economy of light trucks would only need to be improved by one mile per gallon in model years 2004 through 2010 to achieve this goal.

III. H.R. 4 UNDERMINES CURRENT LAW

Proponents of H.R. 4 have stated that the 5 billion gallon reduction in projected gasoline use is merely the floor for increased fuel economy and that the integrity of the CAFE law is preserved, allowing for any other appropriate improvements in fuel economy to be made. Upon analysis, it appears that H.R. 4 would actually encourage the consumption of more fuel than it conserves, while substantially altering the way the CAFE law functions and inhibiting further progress on fuel economy.

A. H.R. 4 wastes more gasoline than it would purport to save by extending the flawed CAFE incentive for dual fueled vehicles for an additional four years

Even as H.R. 4 purports to save five billion gallons of gasoline, it includes provisions that the Bush administration has estimated would increase gasoline consumption by nine billion gallons.

H.R. 4 extends a flawed program which creates CAFE incentives for dual fueled vehicles. Under current law, the production of dual fueled automobiles earns significant CAFE credits. As a result, manufactures produce many of these vehicles. According to the New York Times, General Motors, Ford Motor and the Chrysler unit of DaimlerChrysler have made 1.2 million dual-fuel vehicles, almost all of which are designed to burn either ethanol or gasoline. These include most Chrysler minivans and some Chevrolet S–10 pickups, Ford Taurus sedans and Ford Windstar minivans. These vehicles differ from other vehicles only in that they contain a $200 sensor for burning ethanol, which their owners are often not even aware of.

Dual fueled automobiles are manufactured to run on ethanol yet virtually no vehicles actually do so. In fact, only 101 of the 176,000 services stations in the United States sell nearly pure ethanol. Most of these service stations are in the Midwest. There is not a single one on the West Coast and there are only two on the East Coast—one in Virginia and one in South Carolina.

These credits have allowed the automakers to reduce the average fuel economy of all vehicles they sell by five-tenths to nine-tenths of a mile per gallon. Under current law these credits are scheduled to sunset in 2004 unless the Administration extends the programs for an additional four years. H.R. 4 would statutorily extend the CAFE law until 2008, and allow for the credits to be extended until 2012.

According to a draft report prepared by the Bush Administration, continuing the program from 2005 to 2008 will increase gasoline consumption by nine billion gallons. This is almost twice as much fuels as H.R. 4 purports to save.

B. H.R. 4 fundamentally alters the standard-setting process for light trucks which may hinder incentives for advanced technology vehicles

H.R. 4 substitutes the yearly approach under current law with an approach that will set standards from 2004 through 2010. This is a substantial weakening of current law. While no one can definitively predict what the ''maximum feasible average fuel economy level'' will be in the future, the ''maximum feasible'' level is clearly higher than the miniscule requirements of H.R. 4.

C. H.R. 4 removes incentives for advanced weight reduction technologies and materials

Automakers have been learning that safer, more fuel efficient vehicles can be manufactured using lighter weight materials, such as aluminum, or through advanced engineering approaches like unibody construction which can produce lighter and structurally sound frames. Under the current system, manufacturers have incentives to deploy these weight reduction technologies and materials, because all light duty trucks fall under a single CAFE standard.

H.R. 4 promotes a weight-based system for establishing fuel economy standards for light trucks. This approach could eliminate the incentives for these advanced construction technologies and materials by assuming that the weight of light trucks cannot be reduced.

D. H.R. 4 does not address passenger vehicles and requires no improvements in the fuel economy of diesel vehicles

H.R. 4 does not direct any increase in the CAFE standards for passenger cars which make up about half of the new vehicles sold in the United States.

Similarly, H.R. 4 sets no targets for reducing the consumption of diesel fuel. The auto manufacturing industry has indicated that they intend to expand the use of diesel engines in the coming years. In fact, as discussed below H.R. 4 gives manufacturers additional incentives to increase diesel use as a means of meeting their obligations under H.R. 4.

E. H.R. 4 creates incentives for greater reliance on diesel vehicles

H.R. 4 sets a goal for avoided gasoline consumption for light trucks manufactured between 2004 and 2010. The way H.R. 4 is drafted this goal can be achieved by producing more diesel-powered light trucks and fewer gasoline-powered light trucks. Automakers could comply with the letter of the law by merely increasing the portion of light trucks that are diesel-powered.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong opposition to the amendment offered by my colleagues, Mr. MARKEY and Mr. BOEHLERT that would set a combined fleet standard of 27.5 miles per gallon for cars and trucks. This amendment will cost jobs, consumer choice and safety.

This large increase in the light truck standard would have devastating impacts on light truck production from American automakers and threaten the jobs of over 1,000,000 auto workers in Michigan and many more around the country.

This amendment would also substantially restrict the ability of American automakers to continue to provide the vehicles that American consumers are purchasing. The product changes needed to accomplish this level of increase would adversely affect the most popular light trucks on the road-including restrictions on the sale by American automakers on

the large pick-up trucks and SUV's that represent 50 percent or more of light truck sales.

Finally, raising CAFE standards would put Japanese automakers at a strategic advantage over U.S. automakers. The Japanese have an edge of a several miles per gallon because they have huge amounts of banked CAFE credits from the surpluses they have run in the past. This allows the Japanese to take advantage of selling larger vehicles in our market that do not meet the CAFE standards that U.S. automakers are expected to meet. Essentially, Japanese automakers have a credit cushion that would not require any product changes to meet CAFE for about two model years before it exhausts its banked CAFE credits. This disparity will cripple the U.S. auto industry. I encourage my colleagues to vote against this amendment.

Mr. DINGELL. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this amendment affords you a rare opportunity to cast a vote for more jobs, for fewer deaths and injuries on the highway and against sharp price increases in the most popular of our vehicles.

All you have got to do is vote ''no'' on the amendment. I urge you to do so.

Take a look at the jobs that are involved here. Those are where your constituents work in automobile plants. There is nothing in the base bill which would preclude the Secretary of Transportation from fixing the levels of CAFE at those which are fixed by the Markey amendment. All that they would have to do is to find that it is technologically feasible and economically desirable and possible to so do.

The Secretary now can and will under the base bill save 5 billion gallons of gasoline. That is equivalent to taking off the road the production of 1999 pickups and SUVs for a period of 2 years. In a word, that ain't hay.

I would tell you some other things about this. The UAW and the American autoworkers are going to be most hurt if this amendment is adopted. It will force the auto companies to eliminate 135,000 jobs now held by American working men and women. It will force GM to close 16 of its plants and DaimlerChrysler to close two plants. That is about as bad as it gets until you consider that each auto company job supports seven other supplier jobs throughout the American economy.

What about safety? The National Academy of Sciences says that the higher CAFE standards contribute to more deaths and injuries by creating lighter and less safe vehicles.

I urge my colleagues to vote ''no'' on this amendment.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

(Mr. BUYER asked and was given permission to revise and extend his remarks.)

Mr. BUYER. Mr. Chairman, I rise in opposition to the Markey-Boehlert amendment.

Mr. Chairman, I rise in opposition to further increases in CAFE standards, and in defense of the common sense compromise that the Energy and Commerce Committee has included in the energy bill.

Like most everyone, I support fuel conservation. Conservation can reduce dependence on foreign oil and enhance environmental protection. That's why the Committee developed a compromise that sets an achievable conservation goal while protecting jobs and safety. The compromise would produce substantial fuel savings by setting a goal of saving 5 billion gallons between 2004 and 2010. This is a good and balanced compromise.

But some want to go beyond this compromise and set a new CAFE number. This would be a big mistake because this amendment will jeopardize jobs and public safety.

Proponents of the amendment also seem to disregard these safety concerns. A strong and growing body of evidence indicates that increased CAFE standards result in increased traffic deaths. We shouldn't pass these kinds of huge increases without fully understanding or considering these safety concerns.

Let's conserve fuel, but let's do it safely. Support the Committee's compromise, oppose further CAFE increases.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), a valued member of the Committee on Energy and Commerce.

Mr. BASS. Mr. Chairman, I rise in opposition to this amendment as one who believes that fuel efficiency in light trucks and SUVs should be improved. But this is not the time for this amendment. For the last 6 years, DOT has been barred from examining the CAFE standards. Just yesterday, or the day before, the NAS released its report. Most of us have had almost no time to examine this report, and nowhere in this report am I under the impression that it recommends an approach similar to that envisioned by this amendment.

This amendment could have detrimental effects on a very delicate economy in this country. It may impact safety, as we have already heard. I am assured by the chairman of the Committee on Energy and Commerce that we will have complete hearings on this whole issue of CAFE and where we should be headed and come up with a real plan and not a knee-jerk reaction to a problem that has come up in the last 6 months.

Mr. Chairman, this amendment is premature, it is potentially counterproductive, and I think we should step back, relax, and support the committee in its reasonable efforts. It is a good start on the process of improving fuel economy.

Mr. BOEHLERT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I urge this body to vote in support of the Boehlert-Markey amendment. We heard that earlier this week the National Academy of Sciences issued their long-awaited report which concluded that technologies currently exist which can help our Nation substantially increase fuel economy. This amendment simply moves this conclusion forward. By raising the average fuel economy standards for cars and light trucks, we will save more oil than the most generous estimates suggest that ANWR would provide.

The NAS report also concludes that these improvements are both safe and economically affordable. The Boehlert-Markey amendment allows our Nation the opportunity to be a world leader in the development and advancement of new technologies to improve our environment.

Vote ''yes.''

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in 1974, the average for automobiles and light trucks in the United States was 12.9 miles per gallon. There was an energy crisis. In 1975, Congress responded. And they increased to 26.2 miles per gallon the fleet average. But believe it or not by 1981 they had already reached 24.6 miles per gallon, almost a doubling. Today, it is back to 24.7 miles per gallon. Our amendment, the Boehlert-Markey-Shays-Waxman amendment increases the average up to 27.5 miles per gallon, a 1.3-mile-per-gallon increase since 1987.

We have deployed the Internet since then, the human genome project, the Soviet Union has collapsed. We are arguing for a 1.3-mile-per-gallon increase since 1987, by the way, equal to how much oil is in the Arctic wilderness if you want to avoid having to vote to drill in that sacred land.

Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I think we need to keep in mind that the base bill we have been offered here saves 5 billion gallons of gasoline and does it flexibly, by giving some options to manufacturers to be able to do this safely. The National Academy of Sciences says that it may be possible to increase fuel economy for light trucks over the next 10 to 15 years, but the sponsors of this amendment want to do it in 4 years. The only way you can do that is to reduce the weight of these vehicles, which compromises safety.

In February of 1998, I was driving down the road from Santa Fe to Albuquerque and a truck in front of me dropped something off the back end. I swerved to avoid it. I avoided it, but the car started to roll at 75 miles an hour. I walked away that day. I had a lot to be thankful for. But the thing I was most thankful for was that I was alone in the car.

Mr. Chairman, women make most of the decisions in this country about

what car to buy. It is the same in my family. I drive a Subaru Outback SUV because it is safe for my two little kids in the back seat. I want efficient vehicles in this country. This base bill gives it to us. But I am not willing to compromise their safety by an accelerated standard that is not technically possible.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Chairman, I rise in opposition to the Boehlert-Markey amendment. Every American supports increasing the fuel efficiency of the vehicles that we drive, but the question that we are all faced with today is, what cost to our safety, our economy and our life-styles are we willing to accept to meet the unreasonable standards imposed by this amendment?

The bill we are debating will significantly reduce fuel consumption while ensuring that consumer safety and American jobs are not compromised. This balance will be threatened by this amendment.

The American auto and steel industries are working together to increase fuel economy through technologies such as zero emission fuel cells and lightweight steel. These technologies will decrease emissions, increase fuel economy, and preserve the high safety standards that protect each and every one of us. If this amendment passes, over 18 plants and 135,000 automotive jobs will be lost in addition to thousands of jobs in the American steel industry, an industry already facing high unemployment as a result of dumping of illegal steel into American markets.

In addition to the steel and automotive industries, workers in the rubber, aluminum, plastics, electronics and textile industries will not escape the job cuts that will be forced on the American economy. Furthermore, the National Highway Traffic Safety Administration has confirmed that higher CAFE standards may result in the use of weaker materials in construction which will increase the likelihood of injury and death on our national roadways.

For these reasons, for the loss of American jobs, the cost to the American economy and the safety of the American consumer, I ask that we defeat this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time.

I guess the question here is, for those of us who want a vote on this increase in gas mileage is, is it technically feasible? Do we have the brains, the will, the initiative to increase gas mileage and improve safety of these vehicles? The answer is yes, we have the brains, the skill, the technology. We can increase gas mileage, improve the environment and provide safety for those Americans who choose to buy SUVs or light trucks.

I urge support of the amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. UPTON. Mr. Chairman, I would like to support the Boehlert amendment, but I cannot. The technology just is not ready yet.

One of the arguments presented here today is that the auto industry cried wolf in the 1970s on new CAFE standards and at the end of the day met the standards. But at what cost? More job loss and more market share loss. Can the auto industry meet this new standard called for in this amendment? Of course they can.

□ 1615

But at what expense? More market loss and more job loss.

Last year, this year, next year the auto industry will be spending hundreds of millions of dollars each year on new technologies designed to improve efficiencies and reduce our dependence on foreign oil. One of them is the hydrogen fuel cell. Well, guess what? There is a limited supply of R&D dollars; and if they are forced to meet this new standard, there will not be the dollars to develop this new standard.

It is hoped that those cars will be in the showrooms in the next 8 to 10 years. If this amendment passes, it will not be 8 to 10 years; it will be more than 10 years away. Is that what we want? I do not think so.

Please join me in voting no. We have the technology to make this thing work. This amendment takes those dollars away and will hurt all consumers, period.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me time.

I rise in support of the Markey-Boehlert amendment. Let me state why. In the voices of my children, who are 32 and 30 years old, this debate is really about yesterday. What this amendment represents is tomorrow, is the future. It is exactly why people are attracted to America. So what we are battling is yesterday with this amendment.

The sham automobile efficiency provision in this bill is the proverbial drop in the oil bucket. They are talking 5 billion gallons of gasoline saved. We are talking 40 billion.

How anyone can say this is about jobs and the American automobile industry, it is a joke. This is enough to say that the Edsel is making a comeback.

The Congress can do better. The automobile industry is saying one thing. I understand that. We are not the automobile industry, we are the Congress of the United States. And when we vote this in, we are voting in less dependence on foreign oil, we are voting in high standards for our environment, we are saying you do not have to drill in ANWR, and we are saying that we have the technologies today to put into tomorrow's automobiles.

Support this amendment. It is a step toward the future. We will be better off as a result of it.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Chair would ask that Members attempt to confine their remarks to the time yielded to them.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I strongly oppose this amendment. It does nothing more than punish the automobile industry for making cars that people want to buy.

I am opposed for many reasons, but let me focus on three. This amendment will force Americans to drive smaller cars that are less safe than what we drive now. Smaller cars mean more traffic fatalities; a fact confirmed by the recent NAS report.

This amendment will also have the devastating economic impact of affecting every worker in the auto industry whose job will be affected. There are seven others affected as a spin-off from the one worker in the factory.

This amendment will also impose these new standards on an impossible timetable, which the NAS report explicitly argued against.

Why should Congress adopt policies that cause economic hardship, reduce consumer choice and lessen auto safety? Obviously we should not.

I urge my colleagues to oppose this harmful and dangerous amendment.

Mr. BOEHLERT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this amendment.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I rise in opposition to the Boehlert-Markey amendment. I do not have any auto manufacturing plants in my district, so I am not opposing this amendment out of concerns for that industry. Representing the seventh district of Louisiana, which is very rural and agricultural and whose people's livelihood depends on light trucks and pickup

trucks, I am concerned that this amendment would put unrealistic standards, given the time tables, on this class of vehicles. Even if these stringent standards, and I emphasize, even if these stringent standards can be met, it will certainly increase the cost of these vehicles, in some reports up to $7,000.

My concern is that the manufacturers who make these vehicles, these light trucks and pickups, that this amendment will threaten their ability to continue making them. In fact, DaimlerChrysler says that they could not raise the fuel economy standards of their Dakota or Dodge Ram pickup trucks 50 percent in 5 years, as this amendment requires; and it would therefore possibly stop them from producing them.

I am not sure if it was the intent of the authors of this amendment to unduly hurt the farmers, ranchers, contractors, electricians, plumbers, carpenters, construction workers, and many others who use pickups and light pickup trucks as their office on wheels. By forcing heavy commercial pickup trucks that weigh less than 10,000 pounds to achieve car CAFE standards, this amendment sets a standard that no one, and, I repeat, no one, has demonstrated achievable without compromising safety.

I urge Members to vote no on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, the amendment before us requires only a 10 percent increase in fleet fuel efficiency by model year 2007; but, by 2010, it would save half a million barrels of oil a day, reduce our oil imports by 5 percent, and reduce carbon dioxide emissions by over 100 million tons each year.

But there is an even better reason to do this. Oil is the least abundant of all of our fossil fuels. All of it will be gone from this world before the end of this century if we and our fellow men continue to burn it at low efficiency. What then will we use for our industry, for the chemicals, clothing, construction materials, for every product used in our lives that is manufactured from polymers?

It is in our national interests to reduce our dependence on foreign oil, but it is a matter of national security that we conserve our most important industrial feedstock. The National Academy of Sciences report released this week tells us the technology already exists to take this modest step.

I urge my colleagues to support this bipartisan amendment.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I–94 runs east and west through my Congressional Michigan District going into Detroit. This is the auto supply route. Many businesses in this area supply the auto industry. The estimate from General Motors is that we would lose with this amendment 65,000 jobs, Daimler-Chrysler estimates a $35,000 job loss, a total of 130,000. Let me tell you at least partially why this job loss happens. The way we calculate these averages of miles-per-gallon means that some auto imports, for example, have accumulated so many credits that they could actually continue to sell their less-miles-per-gallon trucks and displace our more gas efficient miles-per-gallon vehicles that we are not going to be able to sell because of this amendment. This means fewer sales and less employment.

Mr. Chairman, I rise in opposition to this amendment.

Since the CAFE standards were implemented in 1978, the market for passenger vehicles has been severely distorted. As a result, today, lights trucks account for over have of the new car market. The American people do not want small under-powered, and unsafe vehicles to transport their family. But under CAFE, there are fewer change cars available as alternatives.

The recent report from the National Research Council report found that, ''CAFE standards, probably resulted in an additional 1,300 to 2,600 traffic fatalities in 1993.'' Further, it noted that if the increase standards resulted in lighter or smaller vehicles, ''some additional traffic fatalities would be expected.''

An earlier analysis reported in USA Today estimated that for each mile per gallon CAFE saved, 7,700 people lost their lives.

There is another price we will pay with this amendment—lost jobs. GM, Ford, and Daimler-Chrysler say they would be forced to eliminate 135,000 jobs. In my home state of Michigan, more than a million workers could be affected by this amendment.

Mr. Chairman, this amendment would limit consumer choice, reduce vehicle safety, and throw people out of work. I urge my colleagues to vote ''no.''

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I rise to oppose the Markey-Boehlert amendment to legislatively mandate increases in corporate average-fuel-economy standards. While I support the goal of improved fuel economy, this mandate is not the answer.

Despite proposing significant CAFE increases in the amendment, the phase-in time is a little more than 2 model years. Furthermore, it takes away flexibility mechanisms that allow auto makers to respond to unexpected changes in consumer behavior.

The National Highway Traffic Safety Administration is the appropriate venue for CAFE review. NHTSA must consider the safety trade-offs, utility impacts, and economic feasibility of any CAFE increase.

The National Academy of Sciences outlines these trade-offs in its report released this week. It warned of overly ambitious CAFE increases with short implementation periods. NAS stated that quick significant increases would have a detrimental effect on vehicle safety and the health of the auto industry.

If we adopt the Markey-Boehlert amendment, tens of thousands of jobs will be jeopardized as production plans are significantly disrupted. By comparison, the current bill takes the right approach by allowing NHTSA to determine the appropriate timetable and the appropriate fuel economy standard.

The auto industry is the largest manufacturing industry in the United States. We must be judicious in our approach and mindful of unintended consequences.

Vote no on the amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, this debate is not fundamentally about cars, tail pipes, or engine technology, it is about health and what policy gets our country to better air quality standards in the most cost-effective way.

To be sure, CAFE standards are an imperfect tool. A fleet average has little bearing on what consumers are purchasing. Even though CAFE forces Detroit or Japan to manufacture a cleaner and more efficient vehicle, we see a proliferation of gas-guzzling SUVs, minivans, and trucks. They are what the consumer wants. If we are to increase fuel efficiency across the fleet of vehicles, we also need to change consumer behavior.

In the Committee on Ways and Means title of this bill we begin to tackle the consumer side of the equation through tax incentives and credits for the purchase of electric, fuel cell, hybrid, alternative fuel, and advanced burn vehicles. Striking the right balance is hard.

I opposed an earlier version of the Markey amendment in committee because I thought it imposed unreasonable burdens and unachievable goals. This amendment strikes a better balance. I believe industry can do this. I know that hybrid SUVs are close to production, and this amendment will push new technology solutions that are critical to increased fuel economy.

I side with Markey-Boehlert, because it sets the direction in which we need to go.

This debate is not about cars, tailpipes or engine technology. It's about health and what policy gets our country to better air quality standards in the most cost effective way.

This most fundamental and basic element of the discussion is lost entirely when it hits Washington. We think of fuel efficiency as a technology issue, or a financial issue, or a complex policy issue. But Corporate Average Fuel Efficiency (CAFÉ) and other clean air act rules are fundamentally about protecting public

health. Our children's health will be decided by the decisions we make today.

We need nothing less than a massive shift of the tectonic plates of automobile tailpipe emissions policy and the standards used to promote efficiency and air quality improvement. Clearly the automakers have the resources to support further exploration of improved emissions reduction, but some of the onus must be placed on the consumer to buy the product and on the government to help consumers choose clean technology. Mandates should include a means of developing a consumer market for cleaner technology.

That's why, in my view, the notion of average duel efficiency over a fleet of cars—the concept underlying CAFÉ standards—has not worked particularly well.

A fleet average has little bearing on what consumers are purchasing. Even though CAFÉ forces Detroit to manufacture a cleaner and more fuel-efficient vehicle, we see a proliferation of gas-guzzling SUVs, mini-vans, and trucks. They are what the consumer wants and needs. As much as I love Toyota's Prius, it isn't a practical alternative for many families or workers in our society.

If we are to increase fuel efficiencies across the fleet of vehicles, we also need to influence changes in consumer behavior. We need to work hand-in-glove to develop policies that make energy-efficient vehicles attractive purchasing options. Fortunately, in the Ways and Means title of this bill, we begin to tackle the consumer side of the equation through some tax incentives and credits for the purchase of electric, fuel-cell, hybrid, alternative fuel and advanced lean burn vehicles.

Striking the right balance is hard. Both consumers and industry must be challenged. I opposed an earlier version of the Markey amendment in committee because I thought it imposed unreasonable burdens and unachievable goals. This amendment, co-authored by Messers. Markey and Boehlert, strikes a better balance. By moving SUVs and light trucks to the existing CAFÉ standards for cars—over five years—it closes the SUV loophole and challenges industry to clean up its most popular models.

I believe industry can do this. The timetable for achieving the target miles-per-gallon may be aggressive given the kinds of investments that must be made in retooling a new car line. But I know that hybrid SUVs are close to production, and this amendment will push new technology solutions that are critical to increased fuel efficiency.

This is a hard choice. But because we are in the business of making choices, I side with Markey-Boehlert as pointing in the direction we want to go. Combined with emerging technologies and tax incentives influencing consumer behavior, I think the goals are attainable.

Support Markey-Boehlert.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS), a leader in the construction of the reasonable provisions of the current bill.

Mr. ROGERS of Michigan. Mr. Chairman, I am proud to hear the previous speaker talk about adverse health effects. You cannot get a more serious adverse health effect than death. The National Academy of Sciences report says one thing, if you arbitrarily, aggressively raise CAFE standards, more Americans will die.

Do we want politicians on this floor setting a political number that really is not based on science, or do we want engineers, scientists, and moms making the decision about what goes on the road and how we get to conservation?

We chased moms out of station wagons in the seventies with CAFE increases, and they chose, for safety reasons for themselves and their families, minivans. We are fast approaching trying to chase moms out of minivans. Moms know best about safety for their family.

There are two ways to get here, Mr. Chairman: the way that this chairman of the committee has engineered, that says we want scientists and engineers to, over time, develop conservation standards that we know allows these vehicles to be safe; or the political CAFE amendment increase that says we want smaller, shorter wheelbases, lighter cars, that we know will take the lives of Americans, independent review said as many as 7,000 per mile a gallon. That is 53,000 families.

Mr. Chairman, make the choice today. Let scientists, engineers, and moms make the choice, not politicians on this floor.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Chairman, I have great respect for the authors of this amendment, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New York (Mr. BOEHLERT), but this is a discriminatory amendment that is ill conceived and counterproductive. It would bring about a tremendous job loss, and that is the last thing we need at this particular time. I am talking about high-paying jobs, jobs where people are well paid and able to support their family and be able to live a strong and positive life.

I understand what the drafters are trying to do with this amendment, but this is the wrong way to go about it. This is a dangerous amendment.

□ 1630

I ask my colleagues to vote no on this amendment. The timing could not be worse.

I am hoping that my colleagues will recognize that fact and would even withdraw this amendment. But if they do not withdraw it, then I would ask my colleagues to vote no.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. SAWYER).

Mr. BOEHLERT. Mr. Chairman, I also yield 30 seconds to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I rise in support of the amendment. The Academy recommendation lays before us a framework for improving CAFE that is complex. It includes tradeable efficiency credits and weight-based fuel economy targets. It is complex, but we need to do it. We should begin now and move forward with care.

Do we have the technology to achieve it? Sure, we do. Improved aerodynamics, advances in engine management and combustion technologies, tire technology, advanced polymer materials that reduce weight and add strength, all of this is within our grasp. But production inertia and market acceptance rates may make the proposed time lines difficult, and perhaps impossible, so I have sympathy with the opponents of this amendment.

But we need to move the debate forward. Neither the amendment nor the bill includes the underlying recommendations of the Academy, so they do not fix the embedded problems in CAFE. So I support this amendment in the hope that it will not end, but start, the serious discussion that we need to have to move this process forward.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, we all want higher fuel efficiency for cars. Everybody believes in that goal, but we do not want to accomplish this goal at the expense of vehicle safety and workers' jobs.

This chart shows what the amendment is proposing. They are proposing a steep, steep increase in CAFE standards in an unworkable time line.

One point that I have noticed that has not been shared on the floor today is this: The foreign automobile manufacturers have more CAFE credits than the American automobile manufacturers do. So when this amendment passes, what we will be accomplishing is a shift in market share. We will be compromising American jobs. That means less Tahoes, less Suburbans, less Cherokees, less Wranglers and more Land Cruisers, more Range Rovers. So we are not going to pull these big SUVs off the road because the market demand is still there.

Mr. Chairman, this will put us at a competitive disadvantage. It will cost us jobs, thousands of jobs in America with no practical result, because the gap will be filled by the foreign competitors who will get an unfair competitive advantage over American auto producers if this amendment passes.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, so here is the question for all of us: If, in fact, the U.S. auto industry suffers from increased CAFE standards, then what is the effect and how much does the industry suffer and how much does

our economy suffer when Americans import fuel-efficient automobiles from other countries? Because with the high cost of fuel, the detrimental effect on our environment, and the interest of American consumers to be independent of foreign oil, we will be purchasing fuel-efficient autos, domestic or foreign.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, it is called CAFE, but unless this amendment is approved, special interests will enjoy another free lunch as they guzzle down plates piled high to satisfy a very hefty energy appetite. With 200 million tons of global-warming pollution pouring through this unwarranted loophole every year, all the rest of us are left choking on this all-you-can-pollute buffet, and billions of gallons of gasoline are wasted.

Manufacturers have had 6 long years of Republican congressional dining at Cafe Delay to prepare for fuel economy. Now their allies combined some new ''do-little'' language with the same old doom-and-gloom scenario they have previously relied upon to oppose everything from seat belts to rollover protection.

Reject the excuses and enact genuine fuel economy.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, I am concerned that unrealistic CAFE standards will result in more highway deaths. In 1999, a USA Today article reported on a National Highway Traffic Safety Administration and insurance safety study which found that in the years since CAFE standards were mandated under the Energy Policy and Conservation Act of 1975, about 46,000 people have died in crashes that they would have survived if they had been traveling in heavier cars.

We increased fuel efficiency standards for SUVs in this bill, but we did it in a responsible manner which balances the needs of the environment with the critical need to maintain high safety standards. As a mother of two children, I value these safety concerns and cannot support a measure which would compromise the safety of our kids.

Mr. BOEHLERT. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, we will not have a world to live in if we continue our neglectful ways. Apologists for the automobile industry are going to kill America if they keep it up.

Two-thirds of all the oil used in the United States is consumed in the transportation sector. If SUVs and other light trucks were held to the same efficiency standards as today's cars, we would save more gasoline in just 3 years than is economically recoverable from ANWR, and these drivers would save $25 billion a year.

Higher mileage standards promise cleaner air and water, less oil imports, and billions and billions of dollars saved to the consumer.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, there is no longer a rational reason for us to distinguish between SUVs and light trucks and other vehicles. They are mostly used as passenger cars in the first place.

The base bill simply does not provide enough conservation: approximately 6 days of oil consumption over the next 9 years. There is a big difference between the average car and a 13-mile-per gallon SUV. It is the equivalent of leaving a refrigerator door open for 6 years for the average year.

I would suggest that the opponents of this amendment are selling American industry short. There is no reason the American auto industry cannot keep pace with foreign competition. We should not drive Americans into their hands.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), who deserves a great deal of credit for bringing the CAFE improvements in our bill forward.

Mr. TERRY. Mr. Chairman, I rise in strong opposition to this amendment.

This bill, our bill allows the Department of Transportation to explore many possible solutions for conservation, such as a weight-based system so we do not treat a Ford pickup truck like a Ford Fiesta; so that our farmers can do their hard work and our contractors can store their equipment in a vehicle a bit more substantial than the standard hatch-back.

By giving authority over fuel economy to the DOT, we allow more flexibility to deal with this complex issue with greater expertise.

We have heard about the NAS study which reaches dozens of conclusions, but yet this amendment relies on only one. If we were to take this report in its totality, we find that we should implement a weight-based system, which this amendment forbids, and we must not downweight our vehicles which, in essence, this amendment demands, and that we must continue to develop technology, which this amendment does not encourage. And we must allow sufficient time for its implementation, which this amendment also does not do.

Mr. Chairman, I urge my colleagues to support H.R. 4 and Buy American. Vote against this amendment.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the fuel economy standards in the United States are going down. In 1986, we peaked at about 26½ miles per gallon, and we have been going backwards ever since.

Now, if we have an energy crisis, should we not look at where we put two-thirds of all of the oil that we consume in the United States? It goes into gasoline tanks. If we want to do anything about an energy crisis, we have to look at gasoline tanks.

Now, our amendment just takes America back pretty much to where it was in 1986. This is not rocket science. This is auto mechanics. Every high school in America has a course on this.

Do not tell us this is going to cause some huge, unbearable burden to be imposed upon the auto industry. The burdens are upon the American people. We are importing too much oil.

The environmental consequences? Well, the President says he cannot comply with the Kyoto Treaty. Well, if we do not do anything about automobiles, we are not going to do anything about Kyoto. The American Lung Association says that there is a dramatic increase in lung disease, in asthma, especially among young children in this country. If we do not do anything about automobile emissions into our atmosphere, we are not doing anything about the American Lung Association's top agenda item.

So I say to my colleagues, we have a choice. All we are asking is that we improve by 1.3 miles per gallon the American auto fleet from where it was in 1986, and we give them until 2007, 21 years, to make that huge technological leap. We do not want to hear another word about the energy crisis, about how you cannot comply with Kyoto, about how you care about all the additional health care consequences in the country, if you cannot find some way of dealing with what is obviously the major cause of most of the problems in the environment in our country.

Mr. DINGELL. Mr. Chairman, I yield the remainder of our time to the distinguished gentleman from Michigan (Mr. BONIOR), the minority whip and my good friend.

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the auto industry has helped build this Nation. It has provided economic opportunities for generations, including generations of my own family. I believe a strong, a vibrant, and a domestic auto industry will continue to be the key to our economic future.

For our prosperity to continue, we need to lead the way in using new technologies that protect our environment. Hybrid and cell-fuel-powered vehicles are the future, and the future will soon be upon us. Our domestic auto companies are moving in that direction, and they are moving in that direction with speed. Forward. General Motors, Daimler Chrysler, they all recognize

that consumers want safe, fuel-efficient vehicles. They have announced that they will increase the average fuel economy in the sports utility by up to 25 percent over the next 5 years.

In the future, we will be talking about ways to store hydrogen and natural gas in our fuel cells, not increasing CAFE. The CAFE debate that we are having on this floor may very well be one of the last that we will have. The future is in these new technologies, in hydrogen fuel cells, in hybrids that will be coming on line in some of our automobiles within a year.

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We need to be smart on how we proceed with this transition. We need to encourage our domestic auto companies to improve fuel efficiency, and we do need to do that in a way that does not displace American workers.

How do we do that? There are many ways to do that. One way to do that is to encourage the market to move in that direction. That means providing tax credits to those who will purchase these new fuel-efficient technological automobiles. The technology is there to build cleaner cars, increase good-paying job opportunities here at home, and to protect our environment.

Mr. Chairman, the chip that keeps the CD player in the car from skipping contains more computer memory than the entire Apollo spacecraft. Using these technological advancements, we can build cleaner and safer cars with the U.S. union workers making them, and we can protect our environment at the same time. I urge my colleagues to vote ''no'' on the amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

I guess this boils down to whose arguments are the most persuasive. Do we believe the automobile industry, which told us in the seventies that mandating seatbelts, which have saved thousands of lives since, would deal a devastating blow to auto makers and force massive layoffs, neither of which happened?

Or do we believe the National Academy of Sciences, which issued a report just yesterday that said that reasonable CAFÉ standards, and ours are in the low end of their range, would bring major benefits without compromising safety?

The Academy said, ''Fuel economy increases are possible without degradation of safety. In fact, they should provide enhanced levels of occupant protection.''

I would say, let us lessen our dependence on foreign oil without dislocation in the industry. Let us deal with sound science. Let us address the consumer's interest, paying less to fill up that gas guzzler, visiting their local gas stations less frequently, and let us deal with the safety of the American public.

We have an opportunity to do the responsible thing. Vote for this sensible middle-ground amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will close in opposition to the amendment. I happen to believe, with the gentleman from New York (Mr. BOEHLERT), that we should believe the National Academy of Sciences. They say that if the Boehlert amendment passes, Americans will die in increasing numbers on the highways because the automobile industry will have no choice with this extreme, radical change in CAFÉ numbers but to lighten up the vehicles and downweight them. The National Academy of Sciences just said that.

They said to the gentleman, if they take the gentleman's plan and spread it out over 10 or 15 years, that might not happen. The gentleman from New York (Mr. BOEHLERT) wants to enact his plan in a short 4 years, a 46 percent increase in CAFÉ standards in 4 years, leading, as the National Academy of Sciences says, to increased death on our nation's highways.

We ought to stand against this amendment. The debate is not about raising CAFÉ standards. The bill raises CAFÉ. It saves 5 billion gallons of gasoline in the 6-year period. That is equivalent to parking a whole year's production of SUVs and minivans for 2 years, parking them, not running them on the highways. It is equivalent to saving $100 billion pounds of CO_2 emissions. That is what the bill does without this extreme amendment.

This is the history of CAFÉ: regular, orderly, responsible increases. There was one increase that was too big and NHTSA had to roll it back. There were orderly, responsible increases. It is time for another orderly, responsible increase.

That is what the underlying bill does. It sets as a floor the saving of 5 billion gallons of gasoline, and it tells NHTSA, If you think you can do more, do more. It is a minimum, not a maximum. This amendment will end up killing Americans. We ought to defeat it.

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to the amendment offered by the gentlemen from New York and Massachusetts.

Both sides of the debate cite the recent report on the effectiveness of CAFÉ Standards by the National Academy of Sciences. Supporters of the amendment argue that the technology currently exists to raise the combined fleet passenger vehicle and light truck standard from 20.7 miles per gallon to 26 by 2004. But the Boehlert-Markey amendment doesn't stop there, it puts on an additional requirement that the combined fleet standard must be raised to 27.5 by the following year. The problem is that U.S. auto manufacturers, especially in the light truck lines, have established their production lines for the next five model years.

Changing CAFÉ standards will cause severe disruptions in the plant configuration for production line models over the next five years. This will force automakers to shut down certain lines, close plants, lay off workers and harm auto manufacturing communities.

The effect of this amendment is that General Motors and Ford will have to close over 20 plants in order to comply with the new standard. This action would result in the loss of 100,000 auto worker jobs. Daimler-Chrysler says it would have to close two of its truck plants and would no longer be able to produce the Durango, the Dakota or Ram pickup truck lines. That would cost 35,000 Daimler-Chrysler workers their jobs. These are job losses that would result by model year 2004. More job losses would follow when the CAFÉ standard would be increased to 27.5 mpg by model year 2005.

The jobs of these auto workers and the economic health of auto-making communities is too important for us to ignore. Yes, we want more fuel efficient automobiles, minivans, pickups and SUVs. But as the National Academy of Sciences reported, automakers need sufficient lead time—10 to 15 years—to phase in fuel saving improvements.

H.R. 4 specifically instructs the National Highway Traffic Safety Administration to develop a new standard for light trucks based on maximum feasible technology levels and other criteria in addition to reducing gas consumption by 5 billion gallons by year 2010. The fuel efficiency standard in H.R. 4 is a floor, not a ceiling.

The economy is too anemic and basic industry in America—especially the auto industry—is too fragile to sustain a production change requirement of this magnitude. This economy cannot afford to lose more than 100,000 auto industry jobs. President Bush is fond of saying, ''Don't mess with Texas.'' Well, I'm from Michigan—Detroit City, the motor capital of the world—and I say, ''Don't mess with Michigan; don't mess with auto-making centers such as Detroit, and don't mess with auto workers and their families.'' Vote against the Boehlert-Markey Amendment.

Mr. OXLEY. Mr. Chairman, I represent a district with thousands of automobile workers who are proud to build safe cars for consumers. These workers produce quality parts and vehicles that drivers have confidence in.

They're concerned when someone in Washington presumes to know more about auto engineering than the people on the production line. And they get really worried, when a decision made here threatens their jobs.

By raising CAFÉ standards, Congress would literally be dictating to automakers how to build their cars and minivans, and telling consumers what they can and can't buy. Frankly, I don't think that many people want a car or SUV designed by a government committee . . . or want Congress to be their car salesman.

CAFÉ is bureaucratic, and diverts resources from real fuel economy breakthroughs. It compromises safety, because ultimately it has the effect of forcing heavier, sturdier vehicles off the road. And for all of the ballyhoo, the statistics show that CAFÉ has not saved as much gasoline as its proponents predicted.

Manufacturers are already working on a new generation of fuel efficient vehicles that consumers will want to buy. Honda is producing a hybrid car at its Marysville plant in Ohio. The workers there—and they include some of my constituents—are building that car because it responds to a consumer need, not

because the government is telling them to do it.

If we really want to bring relief to the driving public . . . we need far-sighted policies encouraging oil exploration, additional refinery capacity, and common sense environmental regulation. CAFÉ is a 1970s solution to our energy challenges that is as threadbare as your old bell bottom jeans.

Mr. CARDIN. Mr. Chairman, I rise today with conditional support for the Boehlert-Markey Amendment. The provisions in H.R. 4 on CAFÉ standards are not strong enough to adequately address the need to improve vehicle fuel efficiency. But, this amendment does not provide a sensible way to help U.S. manufacturers deal with the energy problems in this nation with out jeopardizing U.S. jobs. We can do better for U.S. manufacturers and energy savings in this country. As this amendment makes its way through the legislative process, my support is conditioned on the following concerns being addressed.

To begin with, the structure of the CAFÉ standards creates a competitive imbalance among the automobile manufacturers. I am uncomfortable with this regulatory impact and will work to see it minimized. By using a fleet average calculation, manufacturers who have product lines of smaller vehicles are better able to meet the CAFÉ standards than those for whom larger cars and trucks make up larger portions of their inventory. Thus it is much easier for some manufacturers to meet any increase in CAFÉ standards than it is for others. While the legislation and amendments before this chamber do not address this issue, I am hopeful that there will be an effort in the Senate or in conference to better level the playing field for manufacturers, so that we will have improvements to this when the bill comes back before the House.

Also, I believe that the time frame outlined in this amendment for implementation of the CAFÉ standards is too short. We should be taking a long term view on energy policy issues. By placing such tight time lines, you cause the manufacturers to resort to shortcuts in design and production to meet these requirements. These shortcuts will create negative long term impacts. These include, among others, negative consequences on the industries that supply the materials for the vehicles, such as steel manufacturers, and the safety of these vehicles for the consumer. The first chance for the auto manufacturers to make changes in their vehicle designs comes with the 2004 model, leaving only 1 year to meet new standards. While I think it is possible for them to achieve these goals, I am concerned that there may be unnecessary negative consequences. Again, energy is a long term challenge.

In spite of these reservations, I believe it is time for action to be taken to improve vehicle fuel economy standards given the energy situation in this country. In addition to the increase in CAFÉ, I think incentives in this bill for consumers to purchase alternative fuel and hybrid vehicles will go a long way to better fuel economy and lower oil consumption.

Broadly, I believe H.R. 4 is unfairly skewed toward increased production and is not focused enough on conservation and renewables. Supporting the Boehlert-Markey amendment, with the adjustments that are necessary, will help steer this bill back on the right track toward better conservation.

Mr. EHLERS. Mr. Chairman, I firmly believe it is extremely important for Congress to increase fuel efficiency standards to improve air quality, reduce greenhouse gas emissions and lessen dependence on foreign oil.

I am very anxious to include in this energy bill, HR 4, measures to improve gas mileage in a manner that does not harm the automobile industry of this country. However, the only amendment permitted that addressed fuel efficiency was submitted by the gentleman from New York, Mr. BOEHLERT. Unfortunately his amendment set impossible time lines, and would have hurt American auto manufacturers. My vote in favor of the amendment was simply a statement of principle. My vote should be interpreted solely as a desire to move in a direction of increased gas efficiency. My vote should definitely not be interpreted as an intent to cripple the automobile industry in its attempt to compete with foreign automakers.

I pledge to continue to work towards increasing fuel efficiency, cleaner air and energy conservation. I will also continue to work towards these goals within a reasonable time frame that will help, not hurt, America's automobile industry.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Boehlert-Markey amendment to increase CAFE standards for SUVs and light trucks.

America controls 3 percent of the known world oil reserves, while OPEC controls 76 percent! We need to make our economy less dependent on oil by becoming more energy efficient. According to the 2001 National Academy of Sciences report, ''Improved fuel economy has reduced dependence on imported oil, improved the nation's term of trade and reduced emissions of carbon dioxide, a principal greenhouse gas, relative to what they otherwise would have been.''

If fuel economy had not improved, gasoline consumption (and crude oil imports) would be about 2.8 million barrels per day higher than it is, or about 14 percent of today's consumption.'' The National Academy report states that ''Had past fuel economy improvements not occurred, it is likely that the U.S. economy would have imported more oil and paid higher prices than it did over the past 25 years.'' ''Fuel use by passenger cars and light trucks is roughly one-third lower today than it would have been had fuel economy not improved since 1975 . . .''

Congress must continue to increase CAFE standards because the auto manufacturers will not do so on their own. The technology does exist to further improve the fuel efficiency of cars, trucks and SUVs. If we do, we can save consumers' money at the gas pumps, reduce our dependence on foreign oil, and improve air quality.

I urge support for the Boehlert-Markey amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time for debate has concluded.

The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

It is now in order to consider amendment No. 4 printed in Part B of House Report 107–178.

AMENDMENT NO. 4 OFFERED BY MRS. WILSON

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. WILSON:

Page 81, after line 12 (after section 308 of title III of division A) insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 309. PROHIBITION OF COMMERCIAL SALES OF URANIUM BY THE UNITED STATES UNTIL 2009.

Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON SALES.—With the exception of sales pursuant to subsection (b)(2) (42 U.S.C.2297h–10(b)(2)), notwithstanding any other provision of law, the United States Government shall not sell or transfer any uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, depleted uranium, or uranium in any other form) through March 23, 2009 (except sales or transfers for use by the Tennessee Valley Authority in relation to the Department of Energy's HEU or Tritium programs, or the Department or Energy research reactor sales program, or any depleted uranium hexafluoride to be transferred to a designated Department of Energy contractor in conjunction with the planned construction of the Depleted Uranium Hexafluoride conversion plants in Portsmouth, Ohio, and Paducah, Kentucky, to any natural uranium transferred to the U.S. Enrichment Corporation from the Department of Energy to replace contaminated uranium received from the Department of Energy when the U.S. Enrichment Corporation was privatized in July, 1998, or for emergency purposes in the event of a disruption in supply to end users in the United States). The aggregate of sales or transfers of uranium by the United States Government after March 23, 2009, shall not exceed 3,000,000 pounds U_3O_8 per calendar year.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume.

Over the last 5 years, the domestic uranium industry in this country has collapsed because the Federal Government is dumping uranium onto the market.

Our amendment prohibits the sale of government uranium inventories through March of 2009 and honors existing contracts and obligations that are

already in place. After that, the transfers are limited to 3,000 pounds of uranium a year. It would allow the transfers needed to cover current obligations and allow government uranium inventories to be used in the event of disruption of supply to U.S. nuclear facilities.

We need a nuclear power industry long term to maintain the diversity of our electricity supply. If we do not maintain a domestic supply of uranium, then we will become increasingly dependent on foreign sources of uranium, and in 10 to 15 years, find ourselves in the exact situation with uranium and nuclear power as we find ourselves in in the oil business.

Mr. Chairman, I believe this is a balanced and very fair amendment. It has no budgetary impact. I believe that the Department of Energy has now indicated its support for it.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, although I support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the proposed amendment would prohibit the Department of Energy from selling into the open market approximately 85 percent of the Department's inventory of approximately 21,000 metric tons of uranium until after the year 2009. However, this amendment would not prevent DOE from selling approximately 3,700 tons of uranium, or 15 percent of its total inventory, that the DOE is required to sell by statute pursuant to the U.S.E.C. Privatization Act.

Many domestic uranium mining companies have stopped production or are on the verge of bankruptcy. We do not want the Government to cause further deterioration in the uranium markets by selling its vast quantities of uranium inventories. The amendment seeks to prevent the further deterioration and downward price pressure on the price of uranium by restricting DOE from selling 85 percent of its inventory.

It is my understanding the Department has already implemented a memorandum of understanding dating back to 1998 that restricts the sale of the same quantity of uranium it holds in inventory. Thus the proposed amendment seeks to codify sales restrictions that the Department of Energy has already determined were necessary.

The amendment would not prevent DOE from selling or transferring uranium that it has already agreed to sell or transfer under existing contracts or agreements. There should be no disruption in those programs or activities as a result of this amendment.

Mr. Chairman, I support the amendment; and I urge my colleagues to do so, too.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I would like to enter into a colloquy with the gentlewoman from New Mexico (Mrs. WILSON).

I understand, I say to the gentlewoman, that the language as drafted is intended to support the recovery of the U.S. uranium industry. The ability to process materials other than conventional mined ores, which are primarily materials from the U.S. Government, has allowed conventional uranium mills to provide a valuable recycling service. This has resulted in a significant savings for the Government over direct disposal costs, as well as the recapture of valuable energy resources.

It has also resulted in an overall improvement in the environment, because the tailings from the conventional milling process are less radioactive, due to the extraction of the uranium, than they would have been if disposed of directly.

I believe this problem could be resolved with a simple language change. Would the gentlewoman from New Mexico be amenable to working on that between now and conference?

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, I would be more than amenable to that. I would be happy to work with the gentleman from Utah in conference to make sure that uranium recyclers, a very valuable service provided with the U.S. Government, are not impacted at all by this amendment. It is not the intent of this amendment to limit that in any way.

I would be happy to work with the gentleman on it and fix it as this bill moves forward in the process. I very much appreciate his bringing it forward.

Mr. CANNON. I thank the gentlewoman.

Mrs. WILSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, currently over 20 percent of America's electricity is supplied by nuclear power, which requires roughly burning 50 million pounds of uranium as nuclear fuel each year.

As our Nation's energy needs grow, so must all of our sources of energy in the future, including nuclear. Uranium, much like our current dependence on foreign oil, is increasingly produced outside the United States. Uranium domestically produced is currently 3 million pounds or just 6 percent of the Nation's nuclear fuel. Remember, 20 percent of our electricity is supplied by nuclear. The vast majority of that uranium that is produced is owned by foreign countries.

At least the oil and gas end of the public lands, for the most part, is owned by domestic corporations. Over the last 5 years, the domestic uranium production industry has faced the loss of the uranium market due to government inventory sales, resulting in the decline of sales and income, market capitalization, and massive asset devaluation.

In my home State of Wyoming, uranium suppliers over the past several years have been forced to reduce a healthy workforce from several thousand to just 250 people, all this in a State that has just under 480,000 total population. This has made a huge impact on my State.

In December of 2000, the General Accounting Office reported that the sales of natural uranium transferred from DOE to the United States Enrichment Corporation created an oversupply and a subsequent drop in uranium prices. To balance this previous uranium dumping on the market, the Wilson-Cubin amendment would prohibit the transfer or sale of government uranium inventories through March 23, 2009. Subsequent to that, transfers or sales of up to 3 million pounds of uranium would be permitted per year.

Only through this legislative action can we prevent the dire future that the industry is currently facing. If we decide to maintain the status quo, our domestic uranium industry could be dead in 3 years. I ask Members to vote for the Wilson-Cubin amendment.

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to commend the gentlewoman from Wyoming for her leadership on this issue, as well. As the Chair of the subcommittee, she has been a leader on making sure that we have a domestic mining industry that is adequate and meets our needs. She has provided wonderful leadership.

Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I thank the gentlewoman for yielding time to me.

I support the amendment offered by my two colleagues, the gentlewoman from New Mexico (Mrs. WILSON) and the gentlewoman from Wyoming (Mrs. CUBIN). The limitation imposed by this amendment on the sale and transfer of U.S.-owned uranium products contained in the amendment will strengthen our domestic uranium enrichment industry.

I particularly want to thank the gentlewoman from New Mexico (Mrs. WILSON) for agreeing to two exceptions

from the freeze. One will ensure no disruption in the planned construction of depleted uranium hexafluoride conversion plants at Paducah, Kentucky, and Portsmouth, Ohio. The other will allow for the replacement of contaminated uranium that was transferred to the United States Enrichment Corporation at the time of privatization.

I urge support of the amendment.

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are many more things we have to do for the uranium fuel cycle. I am working with my colleagues from other States to make sure that we can keep nuclear power as a long-term option. This is only the first piece of that puzzle, and I ask my colleagues to give it their full support.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in part B of House Report 107–178.

AMENDMENT NO. 5 OFFERED BY MR. GREEN OF TEXAS

Mr. GREEN of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GREEN of Texas:

In division A, title VIII, insert at the end the following new section and make the necessary conforming change in the table of contents:

SEC. 804. REPEAL OF HINSHAW EXEMPTION.

Effective on the date 60 days after the enactment of this Act, for purposes of section 1(c) of the Natural Gas Act (15 U.S.C. 717(c)), the term ''State'' shall not include the State of California.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Texas (Mr. GREEN) and a Member opposed each will control 10 minutes.

Mr. WAXMAN. Mr. Chairman, I seek recognition in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. WAXMAN) will control the 10 minutes in opposition.

The Chair recognizes the gentleman from Texas (Mr. GREEN).

□ 1700

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to continue the process that I think this bill begins, and that is rescuing the State of California by removing an important hindrance in delivering more natural gas into their State.

In the wake of the California energy debacle, I heard from some of my colleagues and from the esteemed Governor of California that the entire energy shortage in California was the result of Texas energy pirates. My hometown of Houston was sometimes accused of conspiring to drive up natural gas prices by restricting that supply to the West Coast. Imagine my surprise when I learned that there is a Federal law and policy within the State of California that worked hand-in-hand to limit California natural gas pipeline capacity intrastate.

It now seems that the real villains may come closer to Sacramento than we originally thought, and maybe even they wear cowboy hats. The Federal law I refer to is the so-called Hinshaw exemption, contained in Section 1(c) of the Natural Gas Act. What the Hinshaw exemption says is what is important to California consumers. It was passed in 1954, and it exempts natural gas transmission pipelines from the jurisdiction of the Federal Energy Regulatory Commission, or FERC, if it receives natural gas at the State boundary or within the State that a natural gas is consumed.

What this amendment would do would be to provide FERC oversight over the California pipelines and increase their intrastate pipeline.

Mr. Chairman, I have an example here for my colleagues. The interstate gas pipelines actually can flow at 7.4 million cubic feet per day, whereas the pipelines intrastate only can go about 6.67 million cubic feet per day. That is the problem we have in California. There is more gas going to the State than can go out into the State.

Now, California can build all the plants they want that will burn natural gas, but if they do not increase the capacity of their pipeline system, it will not help one bit. That is why this is important, and it will provide Federal oversight of those natural gas pipelines in California and give FERC the responsibility they have mentioned before.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to this amendment, and I yield myself 4 minutes.

Mr. Chairman, this amendment will remove what is an exemption under existing law on intrastate pipelines in California. This amendment would deny California, and only California, the ability to regulate pipelines that are wholly within the State's borders. It singles out California for unequal treatment.

The amendment would overturn decades of established practice without serving any beneficial purpose whatsoever. The Hinshaw exemption dates back to 1954 when Congress amended the Natural Gas Act to give States sole jurisdiction over pipelines entirely within their borders. As the legislative history explained, the Hinshaw exemption was designed to prevent unnecessary duplication of Federal and State jurisdiction. These concerns are as important today as they were 47 years ago.

Supporters of the amendment seem to believe that California has done an inadequate job regulating intrastate pipelines. They believe California's high natural gas prices are the result of insufficient pipeline capacity within the State. This is simply not true. The cause of California's high natural gas prices was market manipulation by a subsidiary of El Paso Natural Gas, which owned the rights to and about a third of the capacity on the El Paso pipeline into Southern California.

The El Paso subsidiary drove gas prices through the roof by withholding capacity. El Paso lost its stranglehold on the California market on June 1 when its right to control pipeline capacity expired. Overnight, natural gas prices in California dropped. Gas prices at the Southern California border were around $10 per million Btu on May 31. By June 8, a week later, they had dropped to around $3.50.

If the problem with natural gas prices in California was inadequate capacity within California, this dramatic drop in price would not have occurred. There was no increase in pipeline capacity in California during this period.

There is no need for this amendment. The only pipeline in California that sometimes has a shortage of capacity is the Southern California Gas pipeline, but the capacity issue on this pipeline is being addressed by California. SoCal Gas is building four additional pipeline expansions. These will be complete by this winter, the peak demand season; and they will make sure Southern California Gas continues to have enough natural gas to serve its customers.

I also oppose this amendment because it places California at the mercy of the Federal Energy Regulatory Commission, which has shown little interest in the welfare of California consumers. Giving FERC jurisdiction will not expand capacity any faster than is already being expanded. It will only complicate the expansion and slow it down.

Let me tell my colleagues, from a California perspective, that this is a very dangerous amendment. It would put us at the mercy of FERC, where El Paso Natural Gas and others, who have a record of manipulation of natural gas price, will have a friendlier audience than the State of California, and it would have Washington, D.C. telling the State of California it cannot handle its own affairs. In Washington, the decisions have to be made, not in California, for intrastate, intrastate California pipeline capacity. I strongly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume, before yielding to my colleague from the Committee on Energy and Commerce, to respond that the gentleman is correct, this amendment does single out California. California has asked for Federal assistance now for months and months. What we are saying is that even with the pipelines they are planning, their demand outstrips the capacity of the pipelines that they are planning.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, as we do this energy debate on the floor today, we are going to have a number of California-specific amendments. We are going to have a California-specific amendment on price caps. We are going to have a California-specific amendment on the oxygenate refuel requirement on the Clean Air Act. It is only fair that we have one California-specific amendment that would actually do some good.

The Hinshaw pipeline exemption was put into law in 1954 because there were a number of States that wanted to gather natural gas, they wanted to distribute natural gas, and they did not want to be subject to the Federal Energy Regulatory Commission, or, at the time, the Federal Power Commission, regulation in terms of the low-pressure sales of their natural gas pipeline. So they put in the Hinshaw exemption.

One State, one State of all the 50 States that have tried to create Hinshaw pipelines used this exemption to thwart the Natural Gas Act of 1934, and that State is the State of California. They made a policy decision that an interstate, that is a pipeline that is going between States, when it hit the California border, they changed the size of the diameter of the pipe so they could call it an intrastate pipeline not an interstate pipeline.

Now, the little display of my colleague from Houston over there is really not to scale. That shows about a 10-inch pipeline and a 6-inch pipeline. In truth, they are going from a 48-inch pipeline to a 36-inch pipeline, or from a 42-inch pipeline to a 30. It is actually a bigger discrepancy than my friend shows. It is only fair if we want to actually help lower natural gas prices to the Golden State of California, and we want to lower electricity prices, that we actually require that an interstate pipeline in California is the same as an interstate pipeline anywhere else in the country.

So we have a discrepancy now of somewhere between a half billion cubic feet a day and a billion cubic feet a day of natural gas that can be delivered to the California border but actually accepted and transmitted across the California border. If we adopt the Green amendment, and I hope that we will, we will eliminate this kind of artificial disparity that State regulators and State legislators in California have created over the last 45 years.

So I would hope we would adopt the Green amendment and allow us, allow people that want to help California by providing more natural gas actually do that. With that, I offer my strong support for the amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Green of Texas amendment.

This is a punitive stealth amendment that is not helpful to resolving the energy crisis in California. In fact, the manager's amendment already includes provisions to address the concern over the adequacy of interstate gas pipelines in California.

I would like all the Members to understand that this amendment does not remove an exemption, it, in fact, imposes a regulation. If we want to remove this so-called exemption from California, why not, out of fairness, remove it also from Texas, Louisiana, Alaska, New York, Ohio, and every other State in the Union?

One good rule of thumb in legislating is to abide by the physician's maxim of at least doing no harm. Not only does this amendment do no good, it, in fact, increases harm and damage to the State of California. So please vote ''no'' on this Green amendment.

Mr. GREEN of Texas. Mr. Chairman, how much time is remaining between the two sides?

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. GREEN) has 4½ minutes remaining, and the gentleman from California (Mr. WAXMAN) has 5 minutes remaining.

Mr. GREEN of Texas. The gentleman from California has right to close?

The CHAIRMAN pro tempore. That is correct.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume to enter into a brief dialogue with the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. I will not take too much of the gentleman's time. I apologize that I did not have a chance to hear the opening statement, but I have read a little bit about the gentleman's expression of concern. But, for me, would the gentleman explain again, if it is again, what exactly the problem the gentleman has with California or with our Governor or what this is about?

Mr. GREEN of Texas. Mr. Chairman, reclaiming my time, I will respond to both gentleman from California.

The reason this is not a problem in other States is that no other State has come to the FERC or the Federal Government to ask for assistance like California has. But in looking at the problem in California, it seemed the disparity in the pipelines, and these are not to scale, the gentleman was right, I was a business major, not an engineer, but it will show the disparity between what pipelines coming to the California border and what leaves the California border to serve intrastate. There is a great disparity.

Providing more pipelines would go a long way to solving the problem in California. That is all this amendment would do. People would then come to FERC instead of going to California PUC.

Mr. LEWIS of California. If the gentleman from Texas would yield just one more moment, my district is large enough to put four Eastern States in the desert site alone. Where the pipelines are located, they are likely to go through my district. And, frankly, I would like to have some input, that is direct input, regarding what we might do. It certainly does provide me a better opportunity if it is in the State of California. Dealing with Federal bureaucracies, to say the least, is almost ridiculous.

Does the gentleman have a very specific problem? Is it our Governor getting in the gentleman's way? What is it causing the gentleman to want to do this?

Mr. GREEN of Texas. It is not the governor, it is the problem with California's distribution system. That is why there needs to be more pipelines, newer pipelines. In fact, we have a letter dated July 17 from the Federal Energy Regulatory Commission to the California Public Utilities Commission saying your problem is intrastate pipelines.

So what I am saying is California for months has come and said FERC needs to do this and this and this. Well, they have not asked for FERCs assistance, but this amendment would allow FERC to also allow for pipeline explanation in California.

Mr. LEWIS of California. So the gentleman is suggesting that if California needs additional pipelines, or let us say lines that carry electricity or otherwise, if we want to decide where they want to go, we have to keep coming to a Federal agency rather than to our own public utility agency.

Mr. GREEN of Texas. Again reclaiming my time, Mr. Chairman, California is an exception, because we have lots of intrastate pipelines running through the State of Texas, running through lots of States in the Union, but California has taken the Hinshaw exemption from 1954 and carried it much further that any other State.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. No other State has done what California does in taking interstate pipeline and downsizing the diameter so they could call it an intrastate Hinshaw pipeline. There is only one State that has done that, and it is the great State of California.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, if it is accurate that no other State has downsized an interstate pipeline in order for it to be a California pipeline, if that is an accurate statement, certainly the gentleman knows that California is by far the largest State in the Union, with the exception of one, in terms of territory.

There are areas like mine, vast areas of the desert where we do need to have some reasonable planning process. We ought to be able to deal with our State agencies. So I am wondering one more time what problem the gentleman has with the State of California or indeed with our Governor.

□ 1715

Mr. WAXMAN. Reclaiming my time, I will answer the gentleman's question.

The comments were made by my colleagues from Texas that we are downsizing the ability of the pipeline in California to carry natural gas. That is not true. They said we do not have full capacity to handle intrastate all of the gas that is coming to the border.

I have a chart right here that shows how California did not use its full capacity throughout the year 2000. That demonstrates that we have additional capacity. We are trying to build up for more natural gas in California.

What this amendment does is put us in the lap of FERC. When it comes to natural gas regulation, FERC's record is pretty bad. When natural gas prices in California skyrocketed earlier this year, FERC regulators were nowhere to be seen.

These prices were caused by market manipulation by a subsidiary of El Paso Natural Gas which hoarded unused pipeline capacity. California regulators filed a complaint about El Paso with FERC back in April 2000. It is now August 2001, and FERC still has not resolved the El Paso problem.

Anyone who thinks that FERC regulators can do an adequate job regulating California's pipelines just has not been paying attention over the past year.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I understand the gentleman's point regarding El Paso Natural Gas. I want to assure all the gentlemen from California that we would like to have all of the Texas gas we can possibly get; but from time to time it is difficult to get it in the way and volume we want.

Pipeline and delivery systems ought to be California's responsibility, at least in part, as well as problem.

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a list from the last 10 years of complaints and protests of pipeline expansions in California, and each time the California Public Utility Commission did not allow for that pipeline expansion. That is the 10-year history in California. That is not talking about Gray Davis. It is talking about a history in California of not providing for the growth in California, the increase in demand and they have not provided the pipeline capacity for that increase in demand.

Mr. Chairman, this amendment says if they cannot receive justice in California for pipeline capacity expansion, they need to be able to come to FERC. This was not my idea. For 6 months I have listened to California complain about Texas and complain about FERC. This would give FERC the authority not only to set price caps, which the gentleman from California (Mr. WAXMAN) has an amendment on, but also to be able to decide, to make sure that California has the capacity so their consumers will pay a reasonable price for natural gas and not an inflated price based upon the lack of capacity.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's reviewing that history of difficulties in California. I have complained about that difficulty in the past, but transferring it to FERC in terms of decisionmaking may only complicate the problem, not improve our position.

Mr. GREEN of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I just want to comment on the El Paso investigation. That is a serious investigation. One of the components of that investigation is the fact that there is an artificial constraint at the California-Nevada border, and it is caused because of this very problem that the gentleman from Texas (Mr. GREEN) is trying to remedy.

There was natural gas that was able to be delivered into California that was not able to be delivered into California, so the transmission charge, which in the rest of the country is around 25 cents for MCF, got as high as $60 for MCF. It is partly because of this artificial constraint, which we are trying to remedy. We are trying to lower natural gas prices for all Californians.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly urge Members to oppose this amendment. The claim has been made that California's control over its own intrastate pipeline has meant less capacity for the natural gas being brought to California through the interstate pipeline from Texas.

Well, California has had capacity that has not been used. Southern California Gas alone has four approved capacity expansions under construction. The problem is not California having the ability to move that natural gas through the pipeline. The problem in the El Paso Natural Gas case has been the claim that El Paso Natural Gas, using the interstate pipeline, manipulated the capacity on that pipeline so they could drive up the prices for natural gas in California.

If we pass this amendment, they will be able to take away our ability to control the pipeline in our own State, and then be able to use one interstate pipeline to do what they did already to us with that interstate pipeline manipulation.

When El Paso Natural Gas lost its stranglehold over the natural gas prices without any change in the capacity within California, natural gas prices dropped. That shows that it was manipulation by El Paso Natural Gas that kept those prices up. This has nothing to do with California's control over its own pipeline.

Mr. Chairman, I urge Members to oppose this amendment. There is no need for it. It could do a great deal of harm. If it leaves us in the clutches of FERC, we may never ever get a hearing from them, and could lead us to a worse problem than we already have. I strongly urge Members to oppose the Green amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Texas (Mr. GREEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GREEN of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. GREEN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those

amendments on which further proceedings were postponed in the following order: Amendment No. 3 by the gentleman from New York (Mr. BOEHLERT); and Amendment No. 5 by the gentleman from Texas (Mr. GREEN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. BOEHLERT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 269, not voting 4, as follows:

[Roll No. 311]

AYES—160

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Becerra
Bereuter
Berkley
Berman
Bilirakis
Blagojevich
Blumenauer
Boehlert
Borski
Boyd
Brown (OH)
Capps
Capuano
Cardin
Clayton
Condit
Coyne
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Frank
Frelinghuysen
Ganske
Gilchrest
Gilman
Gonzalez
Greenwood
Harman
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Kanjorski
Kelly
Kennedy (RI)
Kind (WI)
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pelosi
Platts
Price (NC)
Ramstad
Rangel
Reynolds
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—269

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Berry
Biggert
Bishop
Blunt
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kingston
Knollenberg
Kolbe
Largent
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCollum
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schaffer
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—4

Hutchinson
Norwood
Spence
Stark

□ 1744

Mrs. MEEK of Florida changed her vote from ''aye'' to ''no.''

Mr. HEFLEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. GREEN OF TEXAS

The CHAIRMAN pro tempore (Mr. LATOURETTE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GREEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 275, not voting 4, as follows:

[Roll No. 312]

AYES—154

Armey
Bachus
Baker
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Boehner
Bonilla
Boswell
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Buyer
Camp
Cannon
Castle
Chabot
Clay
Coble
Collins
Combest
Cramer
Crane
Cubin
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Duncan
Edwards
Ehrlich
Evans
Everett
Fossella
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Hoekstra
Hostettler
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kerns
King (NY)
Kingston
Kirk
Kolbe
LaHood
Lampson
Largent
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McKinney
Miller (FL)
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Putnam
Regula
Reyes
Riley
Ros-Lehtinen
Rush
Ryun (KS)
Sandlin
Sawyer
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Skeen
Smith (TX)
Souder
Stearns
Stenholm
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)